Flagler County Board of County Commissioners
Public Hearings / Agenda Item 9.a.

Meeting Date: October 5, 2026
Department Contact:
Subject: **QUASI-JUDICIAL – Project No. 2025080063 – Request for an Appeal of the Planning and Development Board's Decision Denying a Variance from the Minimum Required Streetside (West) Setback and Maximum Lot Coverage Requirement for a Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane.** Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Applicant: Raymond R. Royer, Jr. (AR No. 6743).

Overview/Summary:
An appeal was filed by the Owners on August 25, 2026 related to the Planning and Development Board's most recent variance denial for variances related to the construction of a pool, pool deck, and pump house at 3 Pelican Lane. Specifically, the Appellants'/Owners' most recent appeal requests:

> "To alleviate the hardship created by only approving a 4' structure height and my pool pump house/shed inclosure [*sic*]. My application has always maintain [*sic*] the request of 10' and the building plans are to build 9'7" height with 5" buffer to not exceed 10' height. My last return zoning and planning hearing resulted in a tie to approve, a tie to disapprove and 20 minutes [illegible] to the forced [sic] to make a vote 4-2. I also present [*sic*] a professional opinion letter that stated very clearly that my request to codes. History 7 No's, 8 ties [*sic*] 4 to 2 Jan 12, 2026. TRC, has stated height is 12'. I also stated at the zoning and planning hearing that the professional stated to me the lowest I can go is 9'3" but my 10' height request remains."

The appeal application cites the Planning and Development Board's Order No. 5921-A from its August 11, 2026 regular meeting, where the Board voted 4-2 on a motion to deny on the basis that the requested variance is not the minimum relief necessary to alleviate the hardship.

This is Mr. Royer's third appeal to the Board of County Commissioners. His first and second appeals – like this appeal – sought the elimination of the Planning and Development Board's four-foot height limitation on the proposed pump house, with all other requested variances for the pool and pool deck's location and a variance to exceed lot coverage all approved by the Planning Board at its February 11, 2025 regular meeting. The Planning and Development Board's approval (vote on the motion was unanimous) stated:

> "The Planning and Development Board find that all the variance criteria as listed in

the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024110031 for 3.49 foot rear (North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside setback for a pool and pool deck, a 22- foot left streetside (West) variance from the minimum required 25- foot streetside setback for a pump house, a 0.82 percent lot coverage variance from the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130), subject to the following condition:

1. The pump house is to be within the boundaries of the block wall (pool barrier) and not taller than 4 feet in height."

This first appeal was heard by the Board of County Commissioners at its May 5, 2025 regular meeting. After considering the appeal request, the Board denied (on a unanimous vote) the appeal (as copied below from the approved meeting minutes):

> "A motion was made by Commissioner Hansen to deny the appeal on the basis that the Planning and Development Board's decision was supported by competent substantial evidence, the [*sic*] due process was accorded to the applicant, and the essential requirements of law, primarily the four criteria for variances within the LDC, have been observed. Seconded by Commissioner Carney. Chair Dance called the question. Motion carried unanimously."

Unlike other land use requests, variance requests are not time-barred: a reapplication could be made at any time, and the Board's comments from the May 5, 2025 meeting concluded with this acknowledgement (again from the minutes):

> "Chair Dance noted Mr. Royer would have to re-apply, bring additional evidence, and modify his plan."

Mr. Royer did file a subsequent variance application (Project No. 2025050043), which was ultimately denied at the Planning and Development Board's August 12, 2025 regular meeting following a tie vote (2-2) on a motion to approve. At that time, staff determined that a tie vote results in a denial of the request (see Order No. 5689). Due to discrepancies in the vote (and the County's hearing process) from the August Planning Board meeting, Mr. Royer was allowed by staff to reapply for his variance requests without requiring an application fee, seeking (according to his application):

> "Hardship relief on undersize lot, variance relief for pool housing structure: on height roof coverage."

The Planning and Development Board considered his third variance application at the Board's September 9, 2025 regular meeting, which again ended in a denial – a 3-3 tie vote on a motion to approve – of his variance requests, which Staff determined at the time to be a denial. Mr. Royer had requested that County staff allow this appeal application to be submitted without an application fee, which was rejected by County staff: this delayed his appeal application submittal.

This second appeal was heard by the Board of County Commissioners at its January 12, 2026 regular meeting. After considering the appeal request, the Board (on a unanimous vote) remanded the appeal back to the Planning and Development Board on the basis that a tie vote is not the basis of denial (as copied below from the Board of County Commissioners Order No. 6024):

> "The Board of County Commissioners found that the essential requirements of the law – including primarily the four Criteria for Variances within the LDC – have been observed by the Planning and Development Board. However, the Board's denial of the application request – due to the tie vote – necessitates the Board's reconsideration of the variance application for reconsideration of the variance request inclusive of the increase in height of the pump house accessory structure to 9 feet, 7 inches, finding the request meets the criteria for approval of variance under the LDC."

The application was reheard at the April 14, 2026 Planning and Development Board regular meeting (with the delay at the request of the applicant). An initial motion to approve failed 3-3. A subsequent motion to deny failed 3-3. The Board was reminded by Staff that a motion that ends in a tie is not the basis of either an approval or denial, and that a majority vote on a motion was required. Following Board discussion with the Applicant regarding a possible compromise on the request, it was suggested that the Applicant move the structure to the rear of the property in line with the house. A final motion to continue the request to the August 11, 2026 Regular Meeting (vote on the motion was unanimous) stated:

> "The Planning and Development Board continues the variance request to give the applicant time to modify the application. Continuing the variance request to the August 11th Planning and Development Board haring [*sic*] will preserve public notice and provide an opportunity for staff or the applicant to provide additional information."

By the August 11, 2026 regular meeting, the applicant had not amended his request. The day of the meeting, the applicant provided an Engineering Evaluation Report competed by LAV Engineering, PLLC and dated August 10, 2026. Due to the late submittal, it was not included in the Staff Report or Staff Presentation but was provided to the Board and the Board Secretary for the record. An initial motion to approve failed 3-3. A subsequent motion to deny failed 3-3. Staff reminded the Board that a motion that ends in a tie is not the basis of either an approval or denial, and that per the LDC, they were limited to one continuance which had already been use. A final motion to deny passed by majority vote 4-2 and stated:

> "The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.01.E have not been met, that the requested variance is not the minimum relief necessary to alleviate the hardship, and therefore denies Project No. 2025080063 for a 22.34 left (West) street

side setback variance from the minimum required 25-foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130)."

As a reminder to the Board, the subject parcel lies on the North side of Pelican Lane, East of Mockingbird Lane):



The Board of County Commissioners is the appellate authority following a decision by the Planning and Development Board pursuant to Section 3.07.03.C.1 of the Land Development Code. In turn, the decision of the Board of County Commissioners may ultimately be appealed to the Circuit Court. It is noted that the Board's denial of Mr. Royer's original appeal was not further appealed to the Circuit Court.

The appeal must be reviewed based on the record presented at the Planning and Development Board meetings and also argument of the appellant before the County Commission. No new evidence or testimony may be provided. In deciding, the Board of County Commissioners must make three determinations:

-Whether the Planning and Development Board's decision was supported by

competent substantial evidence;
-Whether due process was accorded; and
-Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.

As a variance request, the necessary detail is provided to the Planning and Development Board through a site plan. Initial site plan requirements for both variances and special exceptions are listed at LDC Section 3.07.03.A.2. The Planning and Development Board considered the applicants' site plans, which are included in the back up material attached hereto. It is noted that the day of the August 11, 2026 Planning and Development Board meeting, the applicant provided an Engineering Evaluation Report competed by LAV Engineering, PLLC and dated August 10, 2026.

Specific to variances, the LDC requires (at LDC Sec. 3.07.03.E.) demonstration that the four variance guidelines are considered by a variance applicant, with these guidelines typically depicted on a site plan and through a written narrative (and where "the board [Planning and Development Board] shall be guided by the following"):

> "Variance guidelines. A variance may be granted from the terms and provisions of this article where, owing to special conditions relating to the property, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Variances may be granted by the Planning and Development Board in such an individual case of unnecessary hardship upon a written finding based on competent, substantial evidence in the official record that:
>
> 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
> 2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
> 3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
> 4. No variance may be granted for a use of land or building that is not permitted by this article.
>
> A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district."

The Planning and Development Board's findings regarding these criteria are stated in the Planning Board's Order regarding the variance and are reflected in the Planning Board's technical staff report attached to this report.

It is assumed that the Appellants' appeal request claims that the four (4) foot-height limitation originally imposed on the pump house (through the original variance approval) deprives him of his use of the pump house in the intended manner. However, the final paragraph of the Variance guidelines listed above states, ***"A variance, if granted, shall be the minimum variance necessary to alleviate the hardship.***" (Emphasis added). The Planning and Development Board's intent with the imposed condition was to ensure that the granted variances were the minimum variances necessary to alleviate the hardship, providing space for a pump house but arguably not for housing pool furniture.

This appeal iteration alleges that the "Owners will be deprived of all reasonable use of the property as allowed in the zoning district." Staff counters that the Planning Board's decision – a denial preceded with two tie-votes – was indicative of the difficulty posed by his request, where the Planning Board seeks to balance reasonable requests for relief from the strict application of the Land Development Code's requirements with limitations that respect the adjacent neighborhood and uphold the Code's intent to protect the health, safety, and general welfare. In staff's opinion, the Planning Board correctly weighed the evidence and testimony provided in the variance application and at the public hearing and, ultimately, came to a majority consensus resulting in denial. Additionally, the deprivation of "all reasonable use" is not the end result. The previously granted variances – inclusive of the pump house height limitation – provided for the proposed pool development. In the end, the "reasonable use" was not deprived, but instead it was conditioned on a requirement to limit the pump house height. The appeal goes on to state that: "TRC, has stated height is 12'." This is correct, but the Planning Board opted to restrict the pump house height to less than 12 feet as a condition of granting the requested variances. This is the Board's prerogative: if the pump house can be placed on the parcel without the variances, then the 12-foot height applies. The appeal now appears to seek a 10' pump house height, providing a buffer for the previously intended 9' 7" height: "My application has always maintain [*sic*] the request of 10' and the building plans are to build 9' 7" height with 5" buffer not to exceed 10'." The Board heard this proposal, and the vote – effectively considered at two separate consecutive meetings – resulted in a majority vote for a denial at the final Planning and Development Board meeting.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
_____ legislative, not requiring formal disclosure of ex-parte communication.

Strategic Plan:
Focus Area: Effective Government
Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

Funding Information:
N/A

Recommendations:

OPTIONS FOR THE BOARD: As a reminder, the Board of County Commissioners is sitting in an appellate capacity as it relates to this matter. It is limited by LDC Section 3.07.03.C. to determining whether:

1. The Planning and Development Board's decision was supported by competent, substantial evidence;
2. Whether due process was accorded; and
3. Whether the essential requirements of the law have been observed.

The Board of County Commissioners may take ONE of the following actions:

1. APPROVE the Appeal request, overturning the Planning and Development Board's denial of the Variances for the Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **OVERTURNING** the decision of the Planning and Development Board's denial of the new variance requests and thus the condition to limit the height of the proposed Pump House to four (4) feet. The Board of County Commissioners will need to set the maximum height of the Pump House; otherwise, the maximum height will be limited to a maximum height of twelve (12) feet.

2. DENY the Appeal request, upholding the Planning and Development Board's denial of the Variance – and thus the condition to limit the height of the proposed Pump House to four (4) feet at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **AFFIRMING** the Planning and Development Board's decision to grant the Variance *with the condition as to the Pump House as originally imposed by the Planning and Development Board.*

3. REMAND the Variance denial back to the Planning and Development Board for further proceedings with direction on how the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or observe the essential requirements of law. The Variance use is held in abeyance until the Planning and Development Board renders a decision on the Variance as remanded.

4. CONTINUE the Board of County Commissioners' review of the appeals to a time and date certain. A continuance should be for the appellants or for staff to provide additional information to the Board of County Commissioners.

Attachments:

1. Application for Appeal of Planning and Development Board's Decision
2. PDB Order No. 5921-A
3. January 12, 2026 BCC regular meeting minutes (in part)
4. BCC Appeal Order (January 12, 2026)
5. April 14, 2026 PDB Staff Report and Backup (in part)
6. April 14, 2026 PDB regular meeting minutes (in part)
7. August 11, 2026 PDB Staff Report and Backup
8. August 11, 2026 PDB regular meeting minutes (in part)
9. Public Notice
10. Public comment received after initial agenda posting

APPLICATION FOR APPEAL OF PLANNING AND DEVELOPMENT BOARD DECISION

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, #2
Bunnell, FL 32110
Telephone: (386) 313-4009

Application/Project #: 2025080863

APPEAL INFORMATION

Appellant Name: Raymond R. Royer Jr.

SUBJECT OF APPEAL:	
APPLICATION #:	
HEARING DATE:	
BOARD DECISION:	

PROVIDE SPECIFIC BASIS FOR APPEAL: To alleviate the hardship created by only approving a 4' structure height and my pool pump house/shed inclosure. My application has always maintain the request of 10' and the building plans are to build 9'7" height with 5" buffer not to exceed 10' height.

My case before Zoning and Planning Hearing Resulted in a tie to approve a tie to disapprove and 20 minute arguement to the forced to make a vote 4-2.

I also present a professional opinion letter that stated very clearly that my request to codes.

Signature of Appellant

02/25/2026
Date

History 7 No's, 8 ties 4 to 2 Jan 12, 2026

TRC, has stated height is 12'

I also stated at the Zoning and Planning Hearing that the professional stated to me the lowest I can go is 9'3" but my 10' height request remains.

APPLICATION FOR APPEAL OF PLANNING AND DEVELOPMENT BOARD DECISION

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, #2
Bunnell, FL 32110
Telephone: (386) 313-4009

INTERNAL CONTACT SHEET

APPELLANT INFORMATION:	
	Name(s): Raymond R. Royer JR.
	Email: fatboy66@ptd.net
	Phone Number: (610) 636-5826
	Mailing Address: 3 Pelican Lane
	City: Flagler Beach State: FL Zip: 32136

APPLICATION FOR APPEAL OF PLANNING AND DEVELOPMENT BOARD DECISION

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, #2
Bunnell, FL 32110
Telephone: (386) 313-4009

Fees – Ord. 2008-31

Payable for Flagler County BOCC via Check or online through the application portal.
Application Fee: $150

Appeal of Planning and Development Board Decision. *(LDC Section 3.07.03.C)*

1. Within thirty (30) days of the rendering of a decision by the planning and development board regarding a requested variance and/or special exception, an appeal may be filed with the board of county commissioners. Such appeal may be filed by the original applicant, the planning and zoning director, other county staff as authorized, or a real property owner within three hundred (300) feet of the perimeter of the subject property who has standing. To have standing for an appeal, a real property owner must have participated in the matter before the planning and development board, either by speaking on the record at the public hearing or by having written communication entered into the record for the planning and board's consideration.
2. The application for appeal shall be filed with the planning and zoning director who shall schedule a hearing on the appeal with the board of county commissioners.
3. The board of county commissioners shall apply an appellate standard of review when it evaluates the planning and development board's decision. It shall review the record that was established at the planning and development board hearing below. The appellant and other interested parties with standing that have been permitted to intervene may present oral argument on the established record, but not new testimony or other evidence shall be taken.
4. The board of county commissioners shall render a decision on the appeal to determine whether: (1) the planning and development board's decision was supported by competent, substantial evidence; (2) whether due process was accorded; and (3) whether the essential requirements of the law have been observed. The board of county commissioners, in reviewing the decision of the planning and development board, may either: affirm the planning and development board's decision; may remand the matter for further proceedings with direction on how the planning and development board failed to comply with the above standards; or may overturn the decision of the planning and development board, thereby granting the petition. If an appeal is remanded to the planning and development board, then it shall only consider and take action based upon the direction from the board of county commissioners indicating how the planning and development board failed to comply with the above standards. A decision to affirm or overturn the Planning and Development board's decision by the Board of County Commissioners under this section shall be deemed final, and may be appealed to the Circuit Court of the County by writ of certiorari as provided by law.
5. Automatic stay. No permits shall be issued for construction or development pursuant to a Planning and Development Board decision until the thirty (30) day time limit for an appeal to the Board of County Commissioners has lapsed with no properly filed notice of appeal or, if an appeal has been timely and properly filed, until the Board of County Commissioners has rendered a final decision thereon.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board 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.

By signing below, I acknowledge that I have fully read and understand the Application Process.

Signature of Appellant

08/25/2026
Date

Instrument No: 2026033717 8/19/2026 3:14 PM BK: 3080 PG: 925 PAGES: 2 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD ORDER NO. 5921-A
PROJECT NO. 2025080063

Owner: Raymond R. Royer Jr. and Janice L. Paxson
Applicant: Raymond R. Royer Jr.
Location: 3 Pelican Lane, Flagler Beach, FL 32136
Parcel #: 23-11-31-5300-00000-0130
Legal Description: Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida

Request: This request is for a 22.34' left (West) street side setback variance from the minimum required 25 foot street side setback and a 1.2 percent lot coverage variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district at 3 Pelican Lane.

Section 1. **Findings.**

In accordance with Section 3.07.03. of the Flagler County Land Development Code, the Planning and Development Board initially considered the application at their regular meeting on September 9, 2025, rendering Order No. 5921 (Recorded at Official Records Book 2991, Page 1571, Public Records of Flagler County, Florida) denying the requests on a tie vote. The Board of County Commissioners, on appeal, considered the application at their regular meeting on January 12, 2026, rendering Order No. 6024 (Recorded at Official Records Book 3034, Page 754, Public Records of Flagler County, Florida) remanding the requests back to the Planning and Development Board. The Planning and Development Board heard the remanded requests at their regular meetings on April 14, 2026 and August 11, 2026. Following consideration of the testimony and evidence in the record presented by staff and the parties, other written documentation of record, and comments made during the public hearing portions of the proceedings, the Planning and Development Board finds that the Owner does not meet the criteria of Section 3.07.03.E.1. through 4, and more specifically that the request is not the minimum relief necessary to alleviate the hardship.

Section 2. **Denied.**

Based on the foregoing and following the August 11, 2026 hearing of the Planning and Development Board, the requested variances stated above are denied on the basis that the request does not meet the variance criteria as listed in the Land Development Code, and more specifically that the request is not the minimum relief necessary to alleviate the hardship.

Section 3. **Appeal Rights.**

An aggrieved party, including the local governing body, may appeal a Planning and Development Board's order regarding a variance request to the Board of County Commissioners of Flagler County. The appeal shall be conducted in accordance with Section 3.07.03.C. of the Land Development Code. The original application for appeal, accompanied by the required one hundred fifty dollar ($150.00) application fee, with the cost of any required public notice to be borne by the applicant, shall be filed with the Planning and Zoning Director no later than thirty (30) calendar days of the rendition date shown below.

SO ORDERED AND RENDERED, this 19th day of AUGUST 2026, by the Planning and Development Board of Flagler County, Florida, by and through its Chairman.

FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD

ATTEST:

Hannah Lademann, Board Secretary

Mark Langello, Chairman

Approved as to Form:

Sarah Spector, Assistant County Attorney

CERTIFICATE OF SERVICE

PLANNING AND DEVELOPMENT BOARD ORDER NO. 5921-A
PROJECT NO.: 2025080063

As Secretary to the Planning and Development Board, I hereby certify that on this 19th day of August, 2026, copies of this Planning and Development Board Order No. 5921-A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

Raymond R. Royer Jr. and Janice L. Paxson
3 Pelican Lane
Flagler Beach, FL 32136

Attested by: _____
Hannah Lademann, Board Secretary

ITEM 9B – THIS ITEM WILL NOT BE HEARD: QUASI-JUDICIAL – PROJECT NO. 2025080074 – REQUEST FOR A REZONING FROM THE AC (AGRICULTURAL) DISTRICT TO THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT. PARCEL NUMBERS: 28-12-31-0000-01010-0000 AND 29-12-31- 0000-01010-0000; PARCEL SIZE: 119+/- ACRES. OWNER: MPC LOTS LLC/APPLICANTS: RICHARD SMITH AND NIKA HOSSEINI. (AR NO. 5931)

There has been a request for the BOCC to open and continue to the Board's March 16, 2026, Regular Meeting at 5:30 p.m.

ITEM 9C – QUASI-JUDICIAL – PROJECT NO. 2025080063 – REQUEST FOR AN APPEAL OF THE PLANNING AND DEVELOPMENT BOARD'S DECISION DENYING VARIANCES FROM THE MINIMUM REQUIRED REAR SETBACK, MINIMUM REQUIRED STREETSIDE (WEST) SETBACK, AND MAXIMUM LOT COVERAGE REQUIREMENT FOR A PROPOSED POOL, POOL DECK, AND PUMP HOUSE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT AT 3 PELICAN LANE. PARCEL NUMBER: 23-11- 31-5300-00000-0130; 7,500+/- SQUARE FEET (0.17+/- ACRES). OWNERS: RAYMOND R. ROYER, JR., AND JANICE L. PAXSON/APPELLANT: RAYMOND R. ROYER, JR./AGENT: PETER R. MCGRATH, ESQ. (AR NO. 6024)

This item was requested by Adam Mengel, Growth Management Director:

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(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

SUBJECT: QUASI-JUDICIAL – Project No. 2025080063 – Request for an Appeal of the Planning and Development Board's Decision Denying Variances from the Minimum Required Rear Setback, Minimum Required Streetside (West) Setback, and Maximum Lot Coverage Requirement for a Proposed Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Appellant: Raymond R. Royer, Jr./Agent: Peter R. McGrath, Esq. (AR No. 6024).

DATE OF MEETING: January 12, 2026

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication.

An appeal was filed by the Owners on October 16, 2025, related to the Planning and Development Board's most recent variance denial for variances related to the construction of a pool, pool deck, and pump house at 3 Pelican Lane. Specifically, the Appellants'/Owners' most recent appeal requests:

> "Owners will be deprived of all reasonable use of the property as allowed in the zoning district. At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure. Applications requested in February to request 10' high as a buffer. But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal."

The appeal application cites the Planning and Development Board's Order No. 5921 from its September 9, 2025, regular meeting, where the Board's decision is provided by the appellant as: "3-3 vote in favor of approval (tie vote results in a denial of the request)."

This is Mr. Royer's second appeal to the Board of County Commissioners. His first appeal – like this appeal – sought the elimination of the Planning and Development Board's four-foot height limitation on the proposed pump house, with all other requested variances for the pool and pool deck's location and a variance to exceed lot coverage all approved by the Planning Board at its February 11, 2025, regular meeting. The Planning and Development Board's approval (vote on the motion was unanimous) stated:

> "The Planning and Development Board find that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024110031 for 3.49 foot rear (North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

setback for a pool and pool deck, a 22-foot left streetside (West) variance from the minimum required 25-foot streetside setback for a pump house, a 0.82 percent lot coverage variance from the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130), subject to the following condition:

1. The pump house is to be within the boundaries of the block wall (pool barrier) and not taller than 4 feet in height."

This first appeal was heard by the Board of County Commissioners at its May 5, 2025, regular meeting. After considering the appeal request, the Board denied (on a unanimous vote) the appeal (as copied below from the approved meeting minutes):

> "A motion was made by Commissioner Hansen to deny the appeal on the basis that the Planning and Development Board's decision was supported by competent substantial evidence, the [sic] due process was accorded to the applicant, and the essential requirements of law, primarily the four criteria for variances within the LDC, have been observed. Seconded by Commissioner Carney. Chair Dance called the question. Motion carried unanimously."

Unlike other land use requests, variance requests are not time-barred: a reapplication could be made at any time, and the Board's comments from the May 5, 2025, meeting concluded with this acknowledgement (again from the minutes):

> "Chair Dance noted Mr. Royer would have to re-apply, bring additional evidence, and modify his plan."

Mr. Royer did file a subsequent variance application (Project No. 2025050043), which was ultimately denied at the Planning and Development Board's August 12, 2025, regular meeting following a tie vote (2-2) on a motion to approve: a tie vote results in a denial of the request (see Order No. 5689). Due to discrepancies in the vote (and the County's hearing process) from the August Planning Board meeting, Mr. Royer was allowed by staff to reapply for his variance requests without requiring an application fee, seeking (according to his application):

> "Hardship relief on undersize lot, variance relief for pool housing structure: on height roof coverage."

The Planning and Development Board considered his third variance application at the Board's September 9, 2025, regular meeting, which again ended in a denial – a 3-3 tie vote on a motion to approve – of his variance requests. Mr. Royer had requested that County staff allow this appeal application to be submitted without an application fee, which was rejected by County staff: this delayed his appeal application submittal.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

As a reminder to the Board, the subject parcel lies on the North side of Pelican Lane, East of Mockingbird Lane):



The Board of County Commissioners is the appellate authority following a decision by the Planning and Development Board pursuant to Section 3.07.03.C.1 of the Land Development Code. In turn, the decision of the Board of County Commissioners may ultimately be appealed to the Circuit Court. It is noted that the Board's denial of Mr. Royer's original appeal was not further appealed to the Circuit Court.

The appeal must be reviewed based on the record presented at the Planning and Development Board meetings and also argument of the appellant before the County Commission. No new evidence or testimony may be provided. In deciding, the Board of County Commissioners must make three determinations:

1. **Whether the Planning and Development Board's decision was supported by competent substantial evidence;**
2. **Whether due process was accorded; and**

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

3. **Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.**

As a variance request, the necessary detail is provided to the Planning and Development Board through a site plan. Initial site plan requirements for both variances and special exceptions are listed at LDC Section 3.07.03.A.2. The Planning and Development Board considered the applicants' site plans, which are included in the back up material attached hereto. It is noted that since the initial variance request, Mr. Royer had added to his submittal elevation views depicting the proposed construction.

Specific to variances, the LDC requires (at LDC Sec. 3.07.03.E.) demonstration that the four variance guidelines are considered by a variance applicant, with these guidelines typically depicted on a site plan and through a written narrative (and where "the board [Planning and Development Board] shall be guided by the following"):

> "*Variance guidelines.* A variance may be granted from the terms and provisions of this article where, owing to special conditions relating to the property, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Variances may be granted by the Planning and Development Board in such an individual case of unnecessary hardship upon a written finding based on competent, substantial evidence in the official record that:
>
> 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
> 2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
> 3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
> 4. No variance may be granted for a use of land or building that is not permitted by this article.
>
> A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district."

The Planning and Development Board's findings regarding these criteria are stated in the Planning Board's Order regarding the variance and are reflected in the Planning Board's technical staff report attached to this report.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
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It is assumed that the Appellants' appeal request claims that the four (4) foot-height limitation originally imposed on the pump house (through the original variance approval) deprives him of his use of the pump house in the intended manner. However, the final paragraph of the Variance guidelines listed above states, ***"A variance, if granted, shall be the minimum variance necessary to alleviate the hardship."*** (Emphasis added). The Planning and Development Board's intent with the imposed condition was to ensure that the granted variances were the minimum variances necessary to alleviate the hardship, providing space for a pump house but arguably not for housing pool furniture.

This appeal iteration alleges that the "Owners will be deprived of all reasonable use of the property as allowed in the zoning district." Staff counters that the Planning Board's decision – with two tie-votes – was indicative of the difficulty posed by his request, where the Planning Board seeks to balance reasonable requests for relief from the strict application of the Land Development Code's requirements with limitations that respect the adjacent neighborhood and uphold the Code's intent to protect the health, safety, and general welfare. In staff's opinion, the Planning Board correctly weighed the evidence and testimony provided in the variance application and at the public hearing, and could not come to a majority consensus resulting in approval; however, the deprivation of "all reasonable use" is not the end result. The previously granted variances – inclusive of the pump house height limitation – provided for the proposed pool development. In the end, the "reasonable use" was not deprived, but instead it was conditioned on a requirement to limit the pump house height. The appeal goes on to state that: "At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure." This is correct, but the Planning Board opted to restrict the pump house height to less than 12 feet as a condition of granting the requested variances. This is the Board's prerogative: if the pump house can be placed on the parcel without the variances, then the 12-foot height applies. The appeal further (appears) to seek a 9-foot, 7-inch pump house height to match the height of the existing dwelling's gable roof: "But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal." The Board heard this proposal, and the vote – effectively considered at two separate consecutive meetings – resulted in a tie-vote (and a denial of the variance request) at each of these Planning and Development Board meetings.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
_____ legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:
Focus Area: Effective Government
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
  - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

DEPARTMENT CONTACT:
Adam Mengel, Growth Management Director, (386) 313-4065

Public notice has been provided for this application according to Land Development Code (LDC) Section 2.07.00.

OPTIONS FOR THE BOARD: As a reminder, the Board of County Commissioners is sitting in an appellate capacity as it relates to this matter. It is limited by LDC Section 3.07.03.C. to determining whether:

1. The Planning and Development Board's decision was supported by competent, substantial evidence;
2. Whether due process was accorded; and
3. Whether the essential requirements of the law have been observed.

The Board of County Commissioners may take ONE of the following actions:

1. APPROVE the Appeal request, overturning the Planning and Development Board's denial of the Variances for the Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **OVERTURNING** the decision of the Planning and Development Board's condition to limit the height of the proposed Pump House to Four (4) Feet. The Board of County Commissioners will need to set the maximum height of the Pump House; otherwise, the maximum height will be limited to a maximum height of twelve (12) feet.

2. DENY the Appeal request, upholding the Planning and Development Board's denial of the Variance – along with affirming the original Variance condition to limit the height of the proposed Pump House to Four (4) Feet at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **AFFIRMING** the Planning and Development Board's decision to grant the Variance *with the condition as to the Pump House as originally imposed by the Planning and Development Board.*

3. REMAND the Variance denial back to the Planning and Development Board for further proceedings with direction on how the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or observe the essential requirements of law. The Variance use is held in abeyance until the Planning and Development Board renders a decision on the Variance as remanded.

4. CONTINUE the Board of County Commissioners' review of the appeals to a time and date certain. A continuance should be for the appellants or for staff to provide additional information to the Board of County Commissioners.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
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It should be noted that, unlike a rezoning request that is limited to no more than one request for the same parcel of land every six months, a variance application submittal is not time-barred (see LDC Sec. 3.07.05.G.). Accordingly, should the Board of County Commissioners uphold the Planning and Development Board's denial of the variance, the owner may (again) immediately refile a variance request with the County for a similar request.

QUASI-JUDICIAL: Commissioner Hansen disclosed having communication with the applicant, Mr. Royer. Stated Mr. Royer was upset about the application denial, so he attempted to plead his case.

Adam Mengel, Growth Management Director, provided a presentation that included a summary of the staff report referenced above.

Commissioner Richardson inquired whether all structures within the community would be required to be four feet in height or less if the appeal request were denied.

Mr. Mengel explained that the Planning Board had considered the number of variances previously granted to the applicant and, as a result, elected to further limit the height of the pump house as a condition of approving the additional variances. He added that the height could be as much as twelve feet.

Commissioner Carney asked how many members serve on the Planning Board.

Mr. Mengel stated that there are typically seven members on the Planning Board; however, only six members were present at the September 9th meeting.

Commissioner Pennington requested confirmation that there had been a tie vote at the September 9th meeting.

Mr. Mengel confirmed that there was a tie vote.

Commissioner Hansen expressed concern regarding potential unfairness, noting that three Planning Board members had previously voted in favor of approving the variance request. He further observed that there had also been a tie vote on Mr. Royer's initial variance request.

Mr. Mengal commented on the even number of Planning Board members being problematic.

(Item 9c – Continued)

Commissioner Dance stated this is not a denial of due process.

Commissioner Carney agreed that an even number of Planning Board members is problematic. Asked for confirmation that the four-foot limitation was imposed by the Planning Board.

Mr. Mengal responded with yes. Explained how the Planning Board made the determination on the limitation.

Chair Pennington called for the applicant.

Peter McGrath, Appellant's Attorney, stated there has been an assumption that there is a four-foot height limitation with respect to hedges and walls based on a set of covenants and restrictions. Noted he has an opinion letter.

Commissioner Dance asked if the opinion letter is new evidence.

Mr. McGrath answered yes.

Commissioner Dance stated no new evidence could be considered.

Michael Rodriguez, County Attorney, noted new evidence falls outside the scope of the appeal.

Mr. McGrath spoke about how Mr. Royer voluntarily limited the height of the wall and that the restrictions have dropped off his title. Further stated that a six-foot wall would still comply with the Land Development Code (LDC) requirements. He noted that while the LDC does not specifically address pool pump houses, it does regulate accessory structures, and that under those provisions Mr. Royer would be permitted a height of up to twelve feet. Mr. McGrath stated that Mr. Royer intends to construct the pump house to a height of nine feet, seven inches, and is requesting a ten-foot allowance to accommodate minor variation. Emphasized that the pump house must contain two four-horsepower motors, a pool pump, a filtration system, and a pool heater, and that a four-foot height limitation would create a hardship by failing to provide sufficient space for the equipment and adequate ventilation. Further noted that there has been a tie vote on more than one occasion.

Raymond Royer, Appellant, spoke about his due process being violated and the Planning Board members being biased. Added there is no justification on the four-foot limitation.

Mr. McGrath stated the licensed contractor was present to discuss the issue concerning the four-foot limitation on the height of the structure.

(Item 9c – Continued)

Chair Pennington clarified the procedures. Asked whether the Planning Board had discussed the issues of equipment space and ventilation within the structure.

Mr. Mengal stated there had been a suggestion for the pump installer to appear before the Planning Board, but that this did not occur. Added that the pump installation manual was submitted as evidence. Explained that Mr. Royer indicated the additional room would be necessary to accommodate the pumps. Further noted that there is a four-foot height limitation for structures and fencing in front yards, and the shed could not be placed in its current location without a variance. Stated that the Planning Board granted the variance on the condition that the height of the structure be limited to four feet. Also noted that this is a corner lot and further clarified the applicable LDC requirements for the residential zoning district.

Commissioner Dance stated that the four-foot height limitation is not arbitrary.

Mr. Mengal stated it is not. Added that there may be private covenants and restrictions; however, those were not reviewed because the LDC requirements governed the analysis.

There was extensive BOCC discussion on the appeal request.

Mr. McGrath and Mr. Royer gave a rebuttal statement.

Chair Pennington called for public comment and there was none.

Chair Pennington called for public comment.

Tamara Daniels, Contractor Representative, commented on the pool equipment and proposed structure.

Michael Rodriguez, County Attorney, stated only the appellant and interested parties with standing that have been permitted to intervene may present oral argument on the established record, but no new testimony or other evidence shall be taken. Clarified this is not a matter for public comment because this is an appeal limited to the record before it. Asked the BOCC to disregard Ms. Daniel's testimony.

Commissioner Carney inquired what CFMs are.

Mr. Mengal responded with Cubic Feet per Minute. Noted it is measure of air flow.

The BOCC entered into further discussion on the appeal request.

(Item 9c – Continued)

Mr. Rodriguez stated the Planning Board did not render a decision to affirm or overturn. Clarified the rules and procedures and advised the BOCC on how they could take action on the item.

There was BOCC discussion on the variance requests.

A motion was made by Commissioner Dance to remand the variance denial back to the Planning and Development Board for further proceedings, with direction on reviewing the height of the accessory structure and for compliance with the Land Development Code.

Mr. Rodriguez noted what should be included in the motion.

Commissioner Dance asked for clarification.

Mr. Rodriguez clarified.

Chair Pennington asked if the BOCC should vote on the motion without public comment.

Mr. Rodriguez advised the BOCC.

The motion was seconded by Commissioner Carney.

An amended motion was made by Commissioner Dance to remand the variance denial back to the Planning and Development Board for reconsideration of the variance and the additional request for the increase of the height of the accessory structure to 10 feet, and that the variance meets the criteria for a variance under the Land Development Code. Seconded by Commissioner Carney.

Chair Pennington called for a roll call vote.

Tiffani Smith, Deputy Clerk, took a roll call vote and captured the following responses:

- **Commissioner Richardson: "Yes"**
- **Commissioner Hansen: "Aye"**
- **Chair Pennington: "Yes"**
- **Commissioner Carney: "Yes"**
- **Commissioner Dance: "Aye"**

Motion carried unanimously.

Instrument No: 2026009025 3/2/2026 3:01 PM BK: 3034 PG: 754 PAGES: 3 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS ORDER NO. 6024
PROJECT NO. 2025080063

Appellants: Raymond R. Royer Jr. and Janice L. Paxson
Owners: Raymond R. Royer Jr. and Janice L. Paxson
Applicant: Raymond R. Royer Jr.
Location: 3 Pelican Lane, Flagler Beach, FL 32136
Parcel #: 23-11-31-5300-00000-0130
Legal Description: Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida

Request: The appellants filed an application for the Board of County Commissioners to consider an appeal of the Planning and Development Board's denial (Planning and Development Board Order No. 5921 rendered September 16, 2025 and recorded on September 17, 2025 at Official Records Book 2991, Page 1571, Public Records of Flagler County, Florida) for a 22.34 foot left (West) street side setback variance from the minimum required 25 foot street side setback and a 1.2 percent lot coverage variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district at 3 Pelican Lane (Parcel Number: 23-11-31-5300-00000-0130). The appellants specifically requested that:

"Owners will be deprived of all reasonable use of the property as allowed in the zoning district. At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure. Applications requested in February to request 10' high as a buffer. But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal."

Section 1. **Findings.**

The Board of County Commissioners, having considered the appeal application at its regular meeting on January 12, 2026, testimony and evidence in the record presented by staff and the parties, other written documentation of record, and comments made during the public hearing portion of the proceedings, determined that:

1. Whether the Planning and Development Board's decision was supported by competent substantial evidence;

   The Board found that the Planning and Development Board's decision denying the variance request was neither supported or not supported by competent substantial evidence. The Board's decision denying the

application request was based on the Board's tie-vote resulting in a denial.

2. Whether due process was accorded; and

   The Board of County Commissioners found that due process was accorded to all parties by the Planning and Development Board.

3. Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.

   The Board of County Commissioners found that the essential requirements of law – including primarily the four Criteria for Variances within the LDC – have been observed by the Planning and Development Board. However, the Board's denial of the application request – due to the tie-vote – necessitates the Board's reconsideration of the variance request on remand to make a determination on the variance application for reconsideration of the variance request inclusive of the increase in height of the pump house accessory structure to 9 feet, 7 inches, finding that the request meets the criteria for approval of a variance under the LDC.

Section 2. **Remanded.**

Based on the foregoing and following the January 12, 2026 hearing of the Board of County Commissioners, the requested appeal stated above is remanded to the Planning and Development Board for reconsideration.

Section 3. **Appeal Rights.**

An aggrieved party, including the local governing body, may appeal a Board of County Commissioners' order regarding an appeal request by filing such appeal with the Circuit Court of Flagler County, Florida, within thirty (30) days of the rendering of the order by the Board. Such appeal shall be by writ of certiorari and shall not be a hearing de novo.

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS ORDER NO. 6024
PROJECT NO. 2025080063

SO ORDERED AND RENDERED, this 2nd day of March 2026, by the Board of County Commissioners of Flagler County, Florida, by and through its Chair.

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST:

D.C.

Tom Bexley, Clerk of the Circuit Court and Comptroller

Leann Pennington, Chair

Approved as to Form:

Sarah Spector, Assistant County Attorney

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 5

SUBJECT: QUASI-JUDICIAL – Project No. 2025080063 – Request for Variances from the Minimum Required Streetside (West) Setback and Maximum Lot Coverage Requirement for a Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Applicant: Raymond R. Royer, Jr. (AR No. 5921). (TRC,*PDB*)

DATE OF MEETING: April 14, 2026

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of variances from the minimum required left streetside (West) setback and from the maximum allowed lot coverage in the R/C (Residential/Limited Commercial) District. The subject parcel is located West of North Oceanshore Boulevard at 3 Pelican Lane:



On August 22, 2025 Mr. Royer submitted a new application for variances from the minimum required left streetside (West) setback and maximum allowed lot coverage for

a proposed pump house in the R/C District. This request is a before-the-fact variance request, preceding the application for a building permit.

This property is subject to Planning and Development Board Order No. 5274 recorded in Official Records Book 2942, Page 668, Public Records of Flagler County, Florida. It was heard at the February 11, 2025 Planning and Development Board Meeting.

The order granted a series of variances to allow for the construction of the a pool, pool deck, and pump house within the street side (West) setback subject to the condition that the pump house have a height no greater than four (4) feet and be located within the walled-in area.

The owner appealed the condition to Board of County Commissioners at the May 5, 2025 Regular Meeting. The Board voted unanimously to deny the appeal.

The owner then submitted another application with new variance requests pertaining to the pump house (Project No. 2025050045) on May 22, 2025. This application was heard at the July 8, 2025 Planning and Development Board Regular Meeting. A motion to approve failed 2-2. A subsequent motion to continue the request to the August 12, 2025 Regular Meeting with the Board requesting more information passed unanimously.

Following the meeting, staff determined that a tie-vote is a failed vote on the motion, and ultimately is a denial. After informing the applicant, he elected to submit a new application with the same variance requests (Project No. 2025080063). This item, containing the same material variance requests, was heard at the September 9, 2025 Planning and Development Board Regular Meeting. A motion to approve the requests failed 3-3 and was therefore denied.

Mr. Royer then appealed Project No. 2025080083 to the Board of County Commissioners at the January 12, 2026 Regular Meeting. The Board found that a tie-vote was not a basis for denial because it was not competent substantial evidence and remanded the item back to the Planning and Development Board.

Mr. Royer then requested this item be placed on the April 14, 2026 Planning and Development Board Agenda following the March 18, 2026 Technical Review Committee meeting.

The subject property is described as Lot 13 and the South 8 feet of Lot 16 of River Beach subdivision, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00. Public comments have been received and public

comments related to the previous application pertaining to this property (Project No. 2025050045) can be found in the August 12, 2025 Published Agenda or as part of the Record.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
_____ legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E. have been met and therefore approves Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E. have not been met and therefore denies Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

CONTINUANCE: The Planning and Development Board continues the variance request on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the variance requests. Continuing the variance request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS: *Use this link to view attachment(s)*
1. Technical Staff Report
2. Application and supporting documents
3. September 9, 2025 Planning and Development Board Minutes (in part)
4. Planning and Development Board Order No. 5291
5. January 12, 2026 Board of County Commissioners Regular Meeting Minutes (in part)
6. Board of County Commissioners Order No. 6024
7. Public Notice
8. Public Comment

PROJECT NO. 2025080063
STREETSIDE VARIANCE IN THE R/C DISTRICT
3 PELICAN LANE
TECHNICAL STAFF REPORT

Project No./AR No.: 2025080063/5921

Address: 3 Pelican Lane

Owners: Raymond R. Royer, Jr., and Janice L. Paxson

Applicant: Raymond R. Royer Jr.

Parcel No.: 23-11-31-5300-00000-0130

Parcel Size: 7,500+/- square feet

Legal Description:
Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:
Zoning: R/C (Residential/Limited Commercial) District
Land Use: Mixed Use: Low Density

Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Density/R/C (Residential/Limited Commercial) District
East: Mixed Use: Low Density/R/C (Residential/Limited Commercial) District
South: Pelican Lane; Mixed Use: Low Density/R/C (Residential/Limited Commercial) District
West: Mockingbird Lane; Residential: Low Density Rural Estate/R-1 (Rural Residential)

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.02.04, *Lots of Record*; Section 3.03.13, *R/C – Residential/Limited Commercial District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

FCLDC Sec. 3.03.13.E.2 – Minimum Setback Requirements for Structures (for the R/C District):

Front yard —Thirty-five (35) feet if property depth exceeds one hundred (100) feet.
—Twenty-five (25) feet if one hundred (100) feet or less.
Rear yard — Twenty (20) feet.
Side yard interior lot — Seven and a Half (7.5) feet.
Abutting any street — Twenty-five (25) feet.

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

FCLDC Sec. 3.02.04.G – Lots of Record
Front Yard—25 feet
Rear Yard—20 feet
Side Yard—7.5 feet
Street Side Yard—20 feet

Summary of the Request:
The owner is seeking a new street side setback variance and lot coverage variance for a proposed pump house to supersede the variance approvals granted through Planning and Development Board Order No. 5274, recorded in Official Records Book 2942, Page 668, Public Records of Flagler County, Florida, at the February 11, 2025 Planning and Development Board Meeting.

Planning and Development Board Order No. 5274 granted a 25 foot street side (West) yards setback variance from the minimum required 25 foot street side setback for a pool and pool deck; a 3.49 foot rear (North) yard setback variance from the minimum required 10 foot rear setback for a pool and pool deck; a 23 foot street side setback (West) yard setback variance from the minimum required street side setback for a pump house; and a 0.82 percent variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district subject to the condition that the pump house be within the walled-in area of the pool and pool deck, and with its height not to exceed four (4) feet.

The owner submitted an application to Appeal the Planning and Development Board's Decision regarding the pump house maximum height condition. The Appeal was heard by the Flagler County Board of County Commissioners at the May 5, 2025 Regular Meeting. The Commission voted unanimously to deny the appeal on the basis that the Planning and Development Board's decision was supported by competent substantial evidence, that due process was accorded to the applicant, and the essential requirements of the law, primarily the four criteria for variances within the LDC, had been observed.

Although the appeal was denied, FCLDC Sec. 3.07.03 – *Procedure for variance and special exception* – does not prohibit a property owner or applicant from modifying or reapplying for a variance following an undesired condition or denial. This notably differs from LDC Sec. 3.07.05.G – *Procedures for requesting a rezoning – Frequency of application* – which states that a property owner shall not initiate action affecting the same parcel of land more often than once every six months. The property owner has elected to submit a new variance application.

The owner submitted the new variance application (Project No. 2025050045) on May 22, 2025. The request was to place a pump house, with a base of 12 feet by 8 feet, with a height of 7 feet 6 inches (measured at 9 feet 3 inches at the peak of the roof), 2 feet 8 inches from the left (West) street side property line. The pump house would abut the front (South) yard setback line and be located 3 feet 4 inches from the southwest corner of the existing dwelling. The applicant has submitted various digital renderings to showcase that the pump house would be designed and built to be consistent with the character of the existing dwelling.

The requested variances were for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback (0.66 feet less than the previously approved 23 foot street side setback) and a 1.2 percent lot coverage variance (0.38 percent more than the previously approved 0.82 percent lot coverage variance). The increase in lot coverage is due to the proposed pump house dimensions increasing from 12 feet by 6 feet to 12 feet by 8 feet. The approval of the new variance requests would supersede the previous variance requests for the pump house as well as the Board's condition to limit the height to four (4) feet and locate it within the walled-in area. The previous variance requests for the pool and pool deck would remain valid.

The May 22, 2025 application was heard at the July 8, 2025 Planning and Development Board Regular Meeting. A motion to approve failed through a 2-2 tie vote. A subsequent motion to continue the request to the August 12, 2025 Regular Meeting with the Board requesting more information passed unanimously.

At the August 12, 2025 Regular Meeting, a motion to approve again failed through a 2-2 tie vote. At staff's request for a decision that would yield an affirmative (passed) motion, a motion to continue the request to the September 9, 2025 Regular Meeting passed unanimously.

Following the meeting, staff determined that a tie vote is a failed vote, and ultimately is a denial of the application request. After being informed of this determination, the applicant elected to submit a new application with the same variance requests. Because the application has not materially changed, staff did not require the application to be reviewed by the Technical Review Committee (TRC) again.

The new request (Project No. 2025080063) was heard at the September 9, 2025 Planning and Development Board regular meeting. A motion to approve failed 3-3 and was therefore denied.

The applicant then appealed the denial to the Board of County Commissioner's at the January 12, 2026 Regular Meeting. The Board found that a tie-vote was not a basis for denial because it was not competent substantial evidence and remanded the item back to the Planning and Development Board.

The subject property is 7,500+/- square feet in size having a width of 100 feet and a depth of 75 feet, and is described as Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

According to the plat of River Beach, Lot 13 and the 8 southerly feet of Lot 16 are depicted as (at Map Book 5, Page 36, Public Records of Flagler County, Florida):



According to the Flagler County Property Appraiser records, the existing nonconforming dwelling was built in 1979, predating the adoption of the Flagler County Land Development Code. The owners, Mr. Royer and Ms. Paxson, purchased the property though a Warranty Deed dated September 22, 2017, and recorded in Official Records Book 2231, Page 845, Public Records of Flagler County, Florida.

A 1978 Warranty Deed – from Albert G. and Leola R. Jones to Bertis W. and Alma M. Harris – dated January 3, 1978 and recorded on January 9, 1978 at Official Records Book 98, Page 436, Public Records of Flagler County, Florida, conveyed all three lots – Lots 13, 16, and 23 – together as a single parcel. The parcel's present configuration – with all of Lot 13 and the South 8 feet of Lot 16 – was conveyed – through the Warranty Deed from Bertis W. and Alma M. Harris to Edwin and Patricia Friday dated March 5, 1979 and recorded on March 6, 1979 at Official Records Book 117, Page 673, Public Records of Flagler County, Florida – just over a year later, and generally coinciding with the timing of the construction of the single-family dwelling.

The owner has not begun the permitting process to build the pool, pool deck, or pump house. This is a before-the-fact variance request.

Variance Guideline Analysis:
LDC Section 3.07.03.E, *Variance guidelines,* states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

   Applicant's response: Subject to hardship due to sqft being undersized to meet 9,000 sqft guildlines. This property is a corner lot that is undersized as hugely burden by zoning setbacks for 9,000 sqft properties.

   Staff analysis: The subject property is an undersized Lot of Record being part of the River Beach subdivision dating back to 1959 and being approximately 1,500 square feet under the minimum lot size of 9,000 square feet in the R/C district.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

   Applicant's response: I've been in good faith by first applying for this applications. All other permitting for electric, plumbing to building will be apply for in separate application in good faith.

   Staff analysis: This is a before-the-fact variance request, and the applicant is seeking permission before applying for a building permit.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

   Applicant's response: This proposal don't cause no detriment to the public health, welfare, safety and morals of the community of Riverbeach Subd. The proposal does not impair anyone's views of the subd. Amenities of the River or Beach in our convants [illegible].

   Staff analysis: The granting of a variance will not cause substantial detriment to the public health, welfare, safety, and morals of the community. The applicant has

submitted renderings showing that the pump house will be designed and built to be consistent with the existing dwelling.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

   Applicant's response: Shed permitting policy April 17, 2012 sheds 61 sq ft to 100 sq ft. The proposals are 72 to 92 sq ft pool house shed.

   Staff Analysis: Pools, pool decks, and pump houses are permitted accessory uses and structures within the R/C zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant response: Refer to section 3. And without a hardship and variance granted the applicant will be deprived of all safe reasonable use of the property.

Staff Analysis: The newly proposed location of the pump house reduces the necessary relief for the street side setback but increases the necessary relief for lot coverage. The current four-foot height limitation does reduce the accessibility and use of the pump house. While the requested variances are before-the-fact and the property is an undersized Lot of Record, the hardship is self-created.

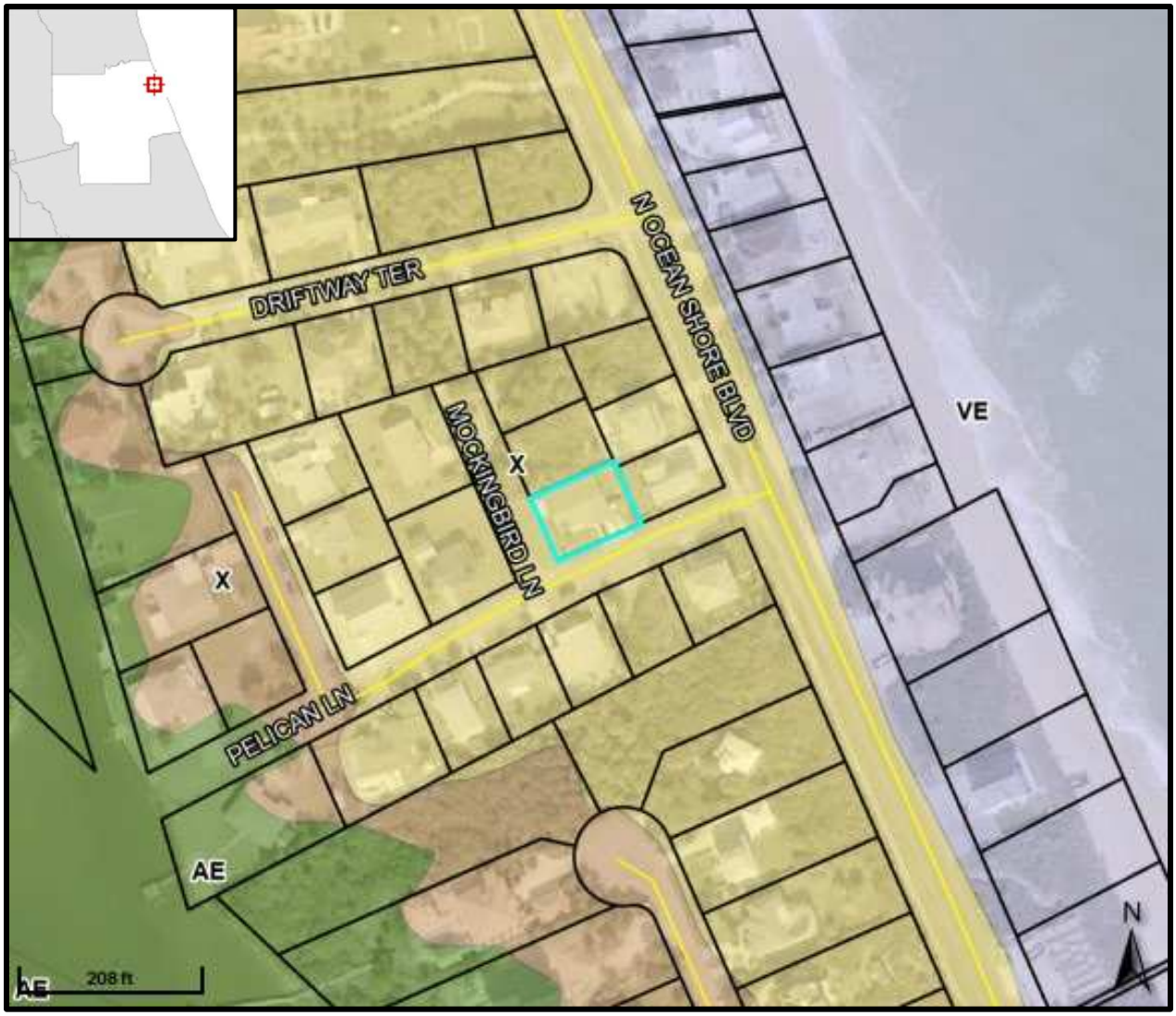
Future Land Use Map



Zoning Map


RESIDENTIAL/COMMERCIAL
RESIDENTIAL/COMMERCIAL
NTIAL
N OCEAN SHORE BLVD
DRIFTWAY TER
RESIDENTIAL/COMMERCIAL
RURAL RESIDENTIAL
MOCKINGBIRD LN
RESIDENTIAL/COMMERCIAL
RESIDENTIAL/COMMERCIAL
PELICAN LN
RURAL RESIDENTIAL
URBAN SINGLE-FAMILY RESIDENTIAL
RURAL RESIDENTIAL
URBAN SINGLE-FAMILY RESIDENTIAL
URBAN SINGLE-FAMILY RESIDENTIAL
208 ft
N

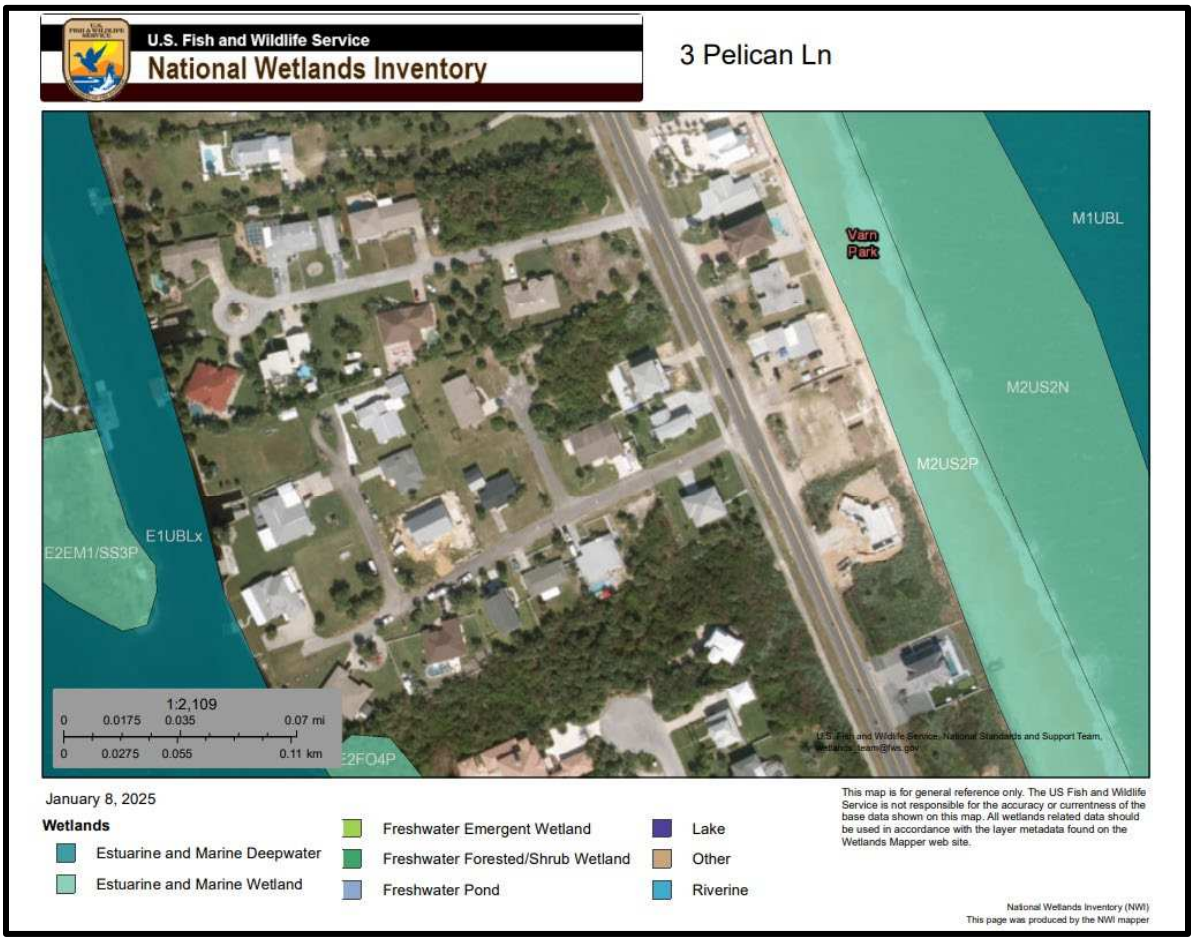
Flood Zone Map



Soils


35
Quartzipsamments, dredged
31 Plam Beach gravelly sand, 0 to 8% slopes
32 Narcrossee, shell subtratum-Welaka complex, 0 to 5% slopes
DRIFTWAY TER
N OCEAN SHORE BLVD
MOCKINGBIRD LN
PELICAN LN
32
33
35
31
26
99
32
26
208 ft
N

Wetlands


U.S. Fish and Wildlife Service
National Wetlands Inventory
3 Pelican Ln
M1UBL
Varn Park
M2US2N
M2US2P
E1UBLx
E2EM1/SS3P
1:2,109
0 0.0175 0.035 0.07 mi
0 0.0275 0.055 0.11 km
January 8, 2025
Wetlands
Estuarine and Marine Deepwater
Estuarine and Marine Wetland
Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Freshwater Pond
Lake
Other
Riverine
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.
National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)			
Name(s):	RAYMOND R ROYER JR.		
Mailing Address:	3 PELICAN LANE		
City: FLAGLER BEACH	State: FLORIDA	Zip: 32136	
Telephone Number [redacted]		Fax Number	

APPLICANT/AGENT			
Name(s):	RAYMOND R. ROYER JR.		
Mailing Address:	3 PELICAN LANE		
City: FLAGLER BEACH	*State:* FLORIDA	*Zip:* 32136	
Telephone Number [redacted]		*Fax Number*	
E-Mail Address: [redacted]			

SUBJECT PROPERTY		
SITE LOCATION (*street address*):	3 PELICAN LANE: WEST SIDE INCLUDING NORTH AND SOUTH	
LEGAL DESCRIPTION: *(briefly describe, do not use "see attached")*	POOL HOUSING STRUCTURE 92 sqft. 8' W x 12' L x 9'7" HEIGHT AT PEEK OF GABLE ROOF	
Parcel # (*tax ID #*):	23-11-31-5300-00000-0130	
Parcel Size:	7,499,556	
Current Zoning Classification:	SINGLE FAMILY RC-1	
Current Future Land Use Designation	SINGLE FAMILY	
Subject to A1A Scenic Corridor IDO?	☐ YES	☒ NO

Relief Requested: HARDSHIP RELIEF ON UNDERSIZE LOT, VARIANCE RELIEF FOR POOL HOUSING STRUCTURE ON HEIGHT ~~AND PERIMETER~~ OR ROOF COVERAGE

R R R Jr. 8/22/2025

Signature of Owner(s) or Applicant/Agent if Owner Authorization form attached — Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]
*APPROVED WITH CONDITIONS [ ]
DENIED [ ]

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16

APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

FLAGLER COUNTY FLORIDA

Subject Property: 3 PELICAN LANE, FLAGLER BEACH

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that: HARDSHIP ON 7,499. SSG UNDERSIZED LOT. THIS POOL HOUSING STRUCTURE WILL ADD PUBLIC HEALTH & SAFTY TO WELFARE.

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and HARDSHIP DUE TO UNDERSIZE LOT SQFT. IN MEETING THE 9,000 SQFT. GUIDLINES, THIS PROPERTY IS A CORNER LOT AND IS UNDER BURDENSOME IN TRYING TO MEET THE NEW 9,000 SQFT GUIDELINES SET BY ZONING & PLANNING.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and I'VE ALWAYS BEEN IN GOOD FAITH AND HAVE TRIED TO MEET SUGGESTIONS BY THE ZONING & PLANNING BOARD. I BELIEVE THAT ALL SUGGESTIONS HAVE BEEN EXHAUSTED. THIS NEW APPLICATION IS THE BEST SUITED FOR THE INSTALL OF ELECTRICAL TO MOTORIZED COMPONENTS AND MAINTENCE TO KEEPING OUT OF THE WEATHER.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and THIS PROPOSAL DON'T CAUSE NO DETRIMENT TO THE PUBLIC HEALTH OR SAFTY WELFARE. THIS PROPOSAL DOES NOT IMPAIR ANYONE'S VEIWS OF THE SUBDIVSION TWO AMENITES OF RIVER BEACH COMMUNITY, THE COVANTS ARTICLES AND RESTRICTIONS FROM 1959 IS ON PROPERTY LINES 4' HEIGHT RESTRICTION.

4. No variance may be granted for a use of land or building that is not permitted by this article.

THIS POOL HOUSING MEETS SHED PERMITING POLICY APRIL 17, 2012 OF 121 SQFT. TO 100 SQFT. IN BOTH CASES NEITHER HAVE TO FULLY DIVULGE WHAT THE STRUCTURE USE WILL HOUSE. I'VE HAVE IN GOOD FAITH FULLY DIVULGE MY INTENSION OF USE AND WILL SUMMITT PROPER PERMITS.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district. WITHOUT HARDSHIP AND VARIANCES BEING GRANTED TO BUILD OF SAFE POOL HOUSING FOR MY FAMILY AND SUBDIVISION COMMUNITY, THIS STRUCTURE IS BEING BUILT TO MATCH MY HOME TO ADD FUTURE VALUE FOR MY FAMILY AND FOR RIVER BEACH SUBDIVISION.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16

Instrument No: 2017033195 9/22/2017 4:29 PM BK: 2231 PG: 845 PAGES: 2 DOCTAX PD $2,660.00
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

Prepared by and return to:
Seth D Corneal
Manager/Member
First Shore Title LLC
509 Anastasia Blvd
Saint Augustine, FL 32080
904-687-2247
File Number: **FS17-015**
Will Call No.:

Parcel Identification No. **23-11-31-5300-00000-0130**

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this **22nd** day of **September, 2017** between **Harold Arthur Kretzer and Lori Ann Kretzer** whose post office address is **PO Box 1788, Bunnell, FL 32110-1788** of the County of **Flagler**, State of **Florida**, grantor*, and **Raymond R. Royer, Jr. and Janice L. Paxson**
whose post office address is **3 Pelican Lane, Flagler Beach, FL 32136** of the County of Flagler County, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Flagler County, Florida**, to-wit:

Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: SETH D. CORNEAL

Karen Jennifer Cook
Witness Name: Karen Jennifer Cook

Witness Name: SETH D. CORNEAL

Karen Jennifer Cook
Witness Name: Karen Jennifer Cook

(Seal)
Harold Arthur Kretzer

(Seal)
Lori Ann Kretzer

Unofficial Copy

DoubleTime®

State of Florida
County of Saint Johns

The foregoing instrument was acknowledged before me this 22nd day of September, 2017 by Harold Arthur Kretzer and Lori Ann Kretzer, who [_] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: SETH D. CORNEAL

My Commission Expires: APRIL 30, 2018

SETH DAVID CORNEAL
MY COMMISSION # FF 113594
EXPIRES: April 30, 2018
Bonded Thru Budget Notary Services

Unofficial Copy

NOTE:
1. Fence gates installed on both ends of patio
2. Width of patio not too exceed 18'-6" to ensure property line is withheld

WOODED AREA

10' 5' 10'

50' Right of Way

25' Center of Road

20'-6"

GRASS

DECK

3 Pelican Lane

48'

40'

9' x 14'

5'

4'

12' x 8' x 7'-6"
9'-3" Roof Peak

7'-5"

PROPERTY LINE TO WALL 2'8"

MOCKINGBIRD LANE

* Pump House extends 2' beyond the house

25'

27'

Pump House View 1



10' Easement



Pump House View 2

50' Right of Way

30'

15'

PELICAN LANE

N

2147

Sheet Title

Designed by | Created by | Checked by

731 Industrial Court, Cherryville PA
6108496791
Anthony@fsdesignsolutions.com

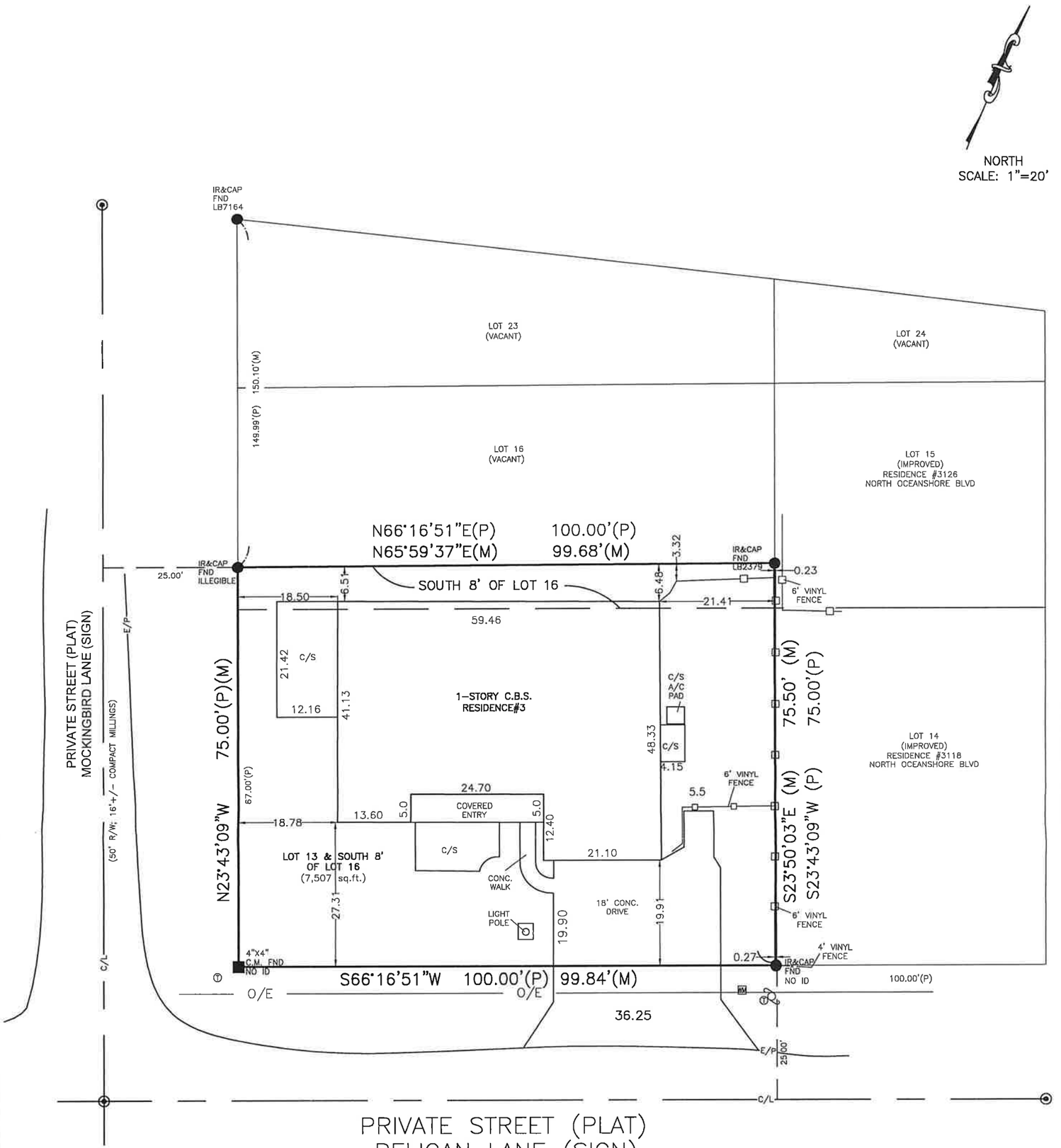
3 Pelican Lane
Flagler Beach FL

5/3/2025 Date
2147 Job Number
001 File Number

1 of 3

ADDRESS: 3 PELICAN LANE

JOB #24-3014



REVISIONS:

--

TYPE OF SURVEY: BOUNDARY / LOCATION

NOTE: THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

DESCRIPTION: LOT 13 AND THE SOUTH 8 FEET OF LOT 16, RIVER BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 5, PAGE 37, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

O IR	1/2" Iron Rod set "LB7672"	(D)	Deed Bearing & Distance	PT	Point of Tangency	A/C	Air Conditioner Pad
● IR	5/8" Iron Rod found	(P)	Plat Bearing & Distance	PI	Point of Intersection	EQP	Pool Equipment Pad
● IP	1/2" Iron Pipe	(M)	Measured Bearing & Distance	U.E.	Utility Easement	PEP	Pretreatment Effluent Pumping Tank
O N/D	Nail and Disk set "LB7672"	(C)	Calculated Bearing & Distance	D.E.	Drainage Easement		
● N/D	Nail and Disk found	C/L	Center Line	L.E.	Landscape Easement	O/E	Overhead Electric
◉ PCP	Permanent Control Point	E/P	Edge of Pavement	N.G.V.D.	National Geodetic Vertical Datum		P/P – Power Pole
□ CM	Concrete Monument set	E/R	Edge of Road	N.A.V.D.	North American Vertical Datum	Ⓜ	Manhole
■ CM	Concrete Monument found	R/W	Right of Way	MSL	Mean Sea Level	Ⓣ	Telephone Riser
PRM	Permanent Reference Monument	Δ	Delta	B.M.	Bench Mark		Cable Television Riser
FND	Found	R	Radius	T.B.M.	Temporary Bench Mark	Ⓕ	Fiber Optic Riser
LB	Licensed Business	L	Length	TOB	Top Of Bank	WM	Water Meter
LS	Licensed Surveyor	CB	Chord Bearing	TOE	TOE of slope		Electric Meter
PSM	Professional Surveyor & Mapper	CH	Chord Distance	F.F.	Finish Floor Elevation		Fire Hydrant
O.R.	Official Records Book	PC	Point of Curvature	INV.	Invert		Water Valve
PG.	Page	PRC	Point of Reverse Curvature	C.B.S.	Concrete Block & Stucco		Wood Fence
		N.R.	Non-Radial Curve	Conc.	Concrete		Vinyl Fence
				C/S	Concrete Slab		Chain Link Fence

NOTES:

1. The entire map encompassing this survey is recorded in Map Book 5, Pages 36-37.
2. No elevations shown on survey.
3. Underground improvements and utilities not located.
4. Bearings refer to plat datum and to the centerline of PELICAN LANE as being N23°43'09"W.
5. Description provided by client.
6. No search for encumbering instruments was made by surveyor.
7. Error of closure meets or exceeds 1:7500 feet.
8. Fences shown are located with an accuracy of ±0.2'.

CLIENT INFO

RAYMOD ROYER
3 PELICAN LANE
PALM COAST, 32136

SWA STEPHENSON, WILCOX & ASSOCIATES, INC. CA#27726·LB#7672

2729 E. Moody Blvd., Ste. 400
PO Box 186 Bunnell FL 32110
Phone: 386.437.2363 · Email: info.swa@gmail.com

CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS

JOB TYPE:	FIELD DATE	OFFICE DATE	JOB NO.	BY:
Boundary	07/17/24	07/31/24	24-3014	MM
Site Plan				
House Stake				
Formboard				
Foundation				
Final				

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.

07312024

DAN A. WILCOX Jr., PSM No.5749, PE No. 57633

Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

SHEET 1 of 1

\\Mycloudpr4100\swa-01\CAD SERVER 2014NOV12\SWA\Cad Server\sdsk projects\0000-Flagler\000-PLATS\RiverBeach\Lot 13.dwg

From: Ray
To: Simone Kenny, AICP
Subject: Re: August 12, 2025 Planning and Development Board Agenda
Date: Friday, August 29, 2025 4:03:42 PM

Hello Simone ,

I only have an ordinance document of 2012 for building a small, medium or large second detached structure on one's property. My application renewal states the medium size of 62 sqft. to 100 sqft.. I seem to have trouble reaching what are the minimum height required for small , medium or large sized structures.

Plus I've had two different applications with a work shop of some departments present to Adam Mengal stating my request can reach the height up to 12' and any further needs I believe another variance request.

So as of now I've been approved for the 12' L x 8' W to the 9'7" H being restricted to 4' minimum height. So where is members of the Zoning and Planning Board arriving on such 4' restricted height. This restriction will bring hardships for installing the mechanical equipment and to safely maintain and make repairs.

This wasn't brought up in early statements in front of the Zoning and Planning but was at earlier workshops. At these workshops I was directed by staff many of these components will need permits after building the Pool House structure.

Examples : like plumbing to electrical and to meeting all building codes for the requested structures including the 4' wall to pool and 12' L x 8' W x 9' 7" H of building structure for the Pool House.

I've tried to reach other placements for the Pool House to reach only further hardships by elements of existing home construction to going outside recommended engineering specifications for the installation of the swimming jets system.

To the Height I requested earlier for 10' variance but trying to attain the 9'7" to hopefully not exceed after final roofing material is completed. I will also state that if possible to go lower than 9'7" if it brings a better matching of the gable roof on the main residence home. I've also stated from the previous review hearing that this Pool House will match my residential home.

Examples: Will be on a code approved 12' L x 8 ' W slab foundation and 8' wall matching block. The gable roof will match but may be a metal roof application.

I've always been in good faith about this application request and have shared above information than really required.

FYI : To Dan statements of Chris from a Manufacturer Distributor Wholesaler. Chris basically stated on my follow up he had a general conversation about the installation of the swimming jets system. Chris stated after learning about my environment of salt air and weather conditions. Chris stated in housing the system will bring less maintenance repairs to better conditions for longer operational periods.

Chris stated he never recommended any housing heights and that he mainly only sales units. He provides engineering advice in literature for peek operations installation instructions. Chris clearly stated all installations are done by pool contractors. The installation are also usually performed to meet their clients high expectations for custom designs that still meet engineering specifications for installation specifications.

I'm putting this in layman terms and hopes to reach a better understanding and consensus by the Zoning and Planning Board.

Please contact me if there is any questions. I will be patiently waiting for how we continue to arrive at 4' as our River Beach Subdivision Restrictions is 4' only on survey property lines. It clearly states no fence and material used is restricted at 4' height.

This was litigated by neighboring parties at the Flagler County Courts ruled 2009 that the

henges over 4' violated the River Beach Subdivision as it blocked the view of one of the amenities being the River Canal.
Thanks,
Raymond R. Royer Jr.
Janice Paxson (Wife)
3 Pelican Lane
Flagler Beach, Florida 32136
(610)636-5826
fatboy6@ptd.net
Sent from my iPhone

On Aug 8, 2025, at 2:20 PM, Simone Kenny, AICP <SKenny@flaglercounty.gov> wrote:

Hello Applicants,

The Agenda and Backup for the August 12, 2025 Planning and Development Board have been published and can be accessed here.

Thank you and have a great weekend,
Simone

Simone Kenny, AICP
Senior Planner
E: SKenny@flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov
Flagler County Board of County Commissioners
Bunnell, FL 32110
<image002.png>
<image001.png> <image003.png>
<image004.png>
<image005.png>

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From:	PenTeleData Webmail
To:	Simone Kenny, AICP; Hannah Lademann
Cc:	fatboy6; peter
Subject:	Original Height up to 10" on structural request
Date:	Friday, March 27, 2026 11:54:57 PM

To Whom It May Concern,

I attended my TRC scheduled meeting on March 18th to revisit my applications and discuss BOCC January 12, 2026 appeal findings.
My orignal request plus numerous hearings has always stated my request was for 10' with possible built height of 9'7" at the peek point on a gable roof. That will match the residential home gable roof. The 3" buffer is to protect from going over the height as many factors will apply, if a metal roof is installed or the height grade of the 8'x12' slab differs from the surveyed elevations.
The TRC stated in 2025 that this structure can go up to 12' and anything after that will require another application to go above 12' height.
The TRC requested on 3/18/2026 if possible to show why the structure has to be built above the 4' already approved. My response was that I will try my best to get a letter from Tajimir Davis Engineering and Architect who will be drafting the pool and structural building to meet zoning permits. They were recommended by Ortiz Building and Pool Contractor who will be doing most of the construction. The electrical will be by Anchor Electric installing a 200 amp service for many appliances in this custom pool application. I also stated there is no height limitations on a Pool Pump built structure by Code as did my Attorney, Peter R. McGrath,P.A. Also, my file has a letter from the BADU swim jet Speck Pumps that states they don't evaluate, approve, or disapprove site-specific strutures, neighboring installations, or local zoning interpretations. It also includes that any application of our general guidance to specific projects should be reviewed by the appropriate design professsionals, installers, or local authorities to ensure compliance with all applicable codes and conditions.
They go on to say, we remain available to provide general technical information related to the swim jet system itself, should it be helpful; however, we are not positioned to arbitrate or interpret matters between neighboring parties.
Please review the letter as it has many others statements refering to the overall pool equipment configuration.
Two Planning and Development Board members mentioned their pool pump structures and height to which I stated I don't care what was built and my preferences are to meet my personal safety. As well as daily, weekly and monthly maintenances that will protect my investment from the harsh environment living by the eastern Atlantic ocean.
This email was requested by the TRC to reitterate once again the height. I will be on Monday March 30th to complete another application so the due process is followed with letters being sent and another yard sign posted for public notice of the Planning and Development Board's Meeting on April 14 at 6pm.

Thank you,

Raymond Royer

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, September 9, 2025, at 6:00 P.M.

(Approved at October 10, 2025 PDB Meeting)

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

   Members Present: Michael Boyd (Chair), Ron Long, Timothy Conner, Michael Goodman, Mark Langello and Dan Wilcox.

   Members Absent: Anthony Lombardo (Vice-Chair)

   Present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Director; Simone Kenny, Senior Planner; and Hannah Lademann, Planner.

   Board Counsel: Sarah Spector, Assistant County Attorney

2. Pledge to the Flag.

   Mr. Langello informs the Board and public that he has an ongoing medical issue causing pain and medication that may cause him to be groggy. He wants to give a heads up that should the pain be to much, he may need to excuse himself from the meeting early.

3. Approval of August 12, 2025 minutes.

   Motion to approve by: Ron Long
   Seconded by: Mark Langello
   Motion carried unanimously.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:
Staff – 10 minute presentation.
Applicant – 15 minute presentation (unless time extended by consensus of Board).
Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

Board Secretary swears in all Applicants and all members of the Public who wish to speak on any item on tonight's agenda.

MOTION: To deviate from the published agenda and move Item #10 to Item #4 as the Applicant has been previously heard before the Board. He would like to ensure the applicant has a full Board, with fresh minds.
Motion by: Michael Goodman
Seconded by: Ron Long
Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Project No. 2025080063 – **REQUEST FOR A VARIANCE IN THE R/C (RESIDENTIAL LIMITED COMMERCIAL) DISTRICT** – request for a Variance in the R/C (Residential Limited Commercial) District for a Pump House at 3 Pelican Lane in the River Beach Subdivision. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owner/Applicant: Raymond Royer Jr. (AR No. 5921). *(PDB*)

   Board Comments: Mr. Conner asks staff for clarification on how many times an applicant can bring the same item in front of the Board for consideration. He brings forth concerns that this item has been disapproved by this Board in February and appealed to the Commission, then reheard in July and August without approval. Ms. Spector confirms that our code does not restrict an applicant for reapplying for a variance application after being denied.

   Staff Presentation: Simone Kenny, Senior Planner.

   Mr. Long confirmed that the Applicant has the original variance granted in February with the four (4) foot height restriction. Staff confirms.

   Applicant Presentation: Raymond Royer, Jr., Owner. Recaps his previous statements from prior meetings. He also shares a video with the Board demonstrating the size of the pumps.

   Mr. Goodman clarifies the necessity of covering the equipment due to the proximity to the beach. He states that the video Mr. Royer just showed has the equipment outside but stated he needs to cover the equipment due to his proximity to the beach. Mr. Royer confirms and also states he would like to cover the equipment for aesthetics/matching his home.

   Public Comments:

   Dan O'Connell, resident of 7 Mockingbird Lane. He shares a PowerPoint presentation with the Board detailing the previously approved variances, the specs/sizes of the pumps from the sales brochure, and a site plan showing that the computer generated images are misleading. He asks that the variance request be denied.

   Maureen Brunk, resident of 5 Cardinal Lane. She states she has rewatched the recordings on all the previous hearings and due to the fact not all members were present at each meeting, she would like to remind them of the facts. She states that when Mr. Royer purchased this property, he was aware of the size of the lot (being undersized) and the small subdivision consisting of private roads. She states that he has previously addressed her garage as an example of non-compliant structures in the subdivision and contests that he property was developed in 1978 prior to the zoning restrictions. She states that the two recent pools/pool equipment put in the subdivision were able to

appropriately size their pool and permit them without requiring a variance. She asks that the variance request be denied.

Jackie O'Connell, resident of 3 Mockingbird Lane. She states this is her third time speaking in front of this Board regarding the size of this pumphouse. She states that he repeatedly changes his request and makes statements with no material evidence or proof to back up the claims. He states that she has no objections to Mr. Royer receiving permission for a pool or pump house, rather is opposed to the size of the pump house in proximity to Mockingbird Lane. She asks that the variance request be denied as the height is unnecessary to fit the pumps and this is a self-created hardship.

Mr. Long initiates Board discussion relating to the pumps. He states he reached out to numerous contractors from Flagler and Volusia Counties inquiring on whether the current approved pumphouse would accommodate the pumps as described. He states each contractor affirmed that the size/height of the structure as previously approved was sufficient, the only caveat being some of the contractor's recommended ventilation to the structure for the heat of the pumps – but that this would be necessary regardless if the structure was 4' or 9' in height. Mr. Wilcox states that he also did research regarding the pumps and that he reached out to the Baudu manufacture in which they advises that an enclosed structure with more height allows for better ventilation of the pumps. He suggests a middle ground as he believes a 4' height restriction is insufficient.

Mr. Conner states that the problem with the heat load argument is that we don't have any evidence before the Board today to support it, other than hearsay comments. He reminds the Board that this is an evidentiary hearing requiring the applicant to bring forth such supporting evidence for his request. He states that he doesn't doubt that a heat load requirement exists, but that there is no evidence before him today to state whether it can be contained with a 4' or 10' high structure.

Mr. Goodman states that he is a visual person and in effort to understand the request he has driven by the subject property to assess. He states he believes the concerns of the neighbors is nonsense, as he does not believe the pumphouse structure to be obstructive, regardless of the height. Mr. Wilcox states he agrees with Mr. Goodman in regard to the sight triangle visibility perspective. He states he also visited the subject property, and that the volume of the structure does not support a visibility issue from the intersection. Mr. Langello states that he disagrees with Mr. Goodman's statement that the neighbors' arguments are nonsense. He does agree that not all concerns of the neighbors are applicable to the specific request as the height of the structure holds no bearing on the drainage. He states that the character of the neighborhood and how the neighbors perceive is a reasonable concern. He states that the Board has been very generous in their previous approvals allowing Mr. Royer to construct a pool/pool deck/and pumphouse on his property. He states that he could build this on his property today, however, is asking for more that Mr. Langello believes exceeds the minimum relief necessary. He states there is a difference between what someone wants on their property versus what they need in order to function, and he believes the Board has given the approval for the minimum relief necessary in order for the property to function with a pool. Mr. Goodman asks the Board if any of them would be willing to consider a 6' height restriction as opposed to the current 4' height restriction. Mr. Langello states that he believed the reason for the higher pump house request was for privacy concerns. He states that there are other ways to achieve privacy with vegetation. Mr. Long states that he is standing with the current approval as the Board has given the minimum relief necessary. He reminds Mr. Goodman that the reason for the 4' height

restriction was for concurrence with the fence. Mr. Langello restates Mr. Conners' previous statement that this is an evidentiary hearing and that it appears if they were to vote tonight Mr. Royer would not have the majority necessary for approval. He states that it is the applicants right to reapply, and if he were to do so and brought in substantial evidence from an engineer supporting that the pumphouse requires a certain height for ventilation of those specific pumps. Mr. Conner summarizes the previous approved variances given to the applicant, and references LDC Section 3.07.03.E.4 stating that they grant the minimum relief necessary. Mr. Conner states if there is something the Board is missing to support that additional relief is necessary, it is the applicants responsibility to provide that, but that it has not been presented to the Board tonight.

MOTION: The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2025080063 for a 22.34 left (West) street side setback variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

Motion to approve by: Michael Goodman
Seconded by: Dan Wilcox

Ron Long – Nay
Dan Wilcox – Ay
Timothy Conner – Nay
Michael Goodman – Ay
Mark Langello – Nay
Michael Boyd (Chair) – Ay

Motion failed 3-3 (Long, Conner, and Langello opposed). The item has been denied.

5. Quasi-judicial requiring disclosure of ex parte communication:
CONTINUED FROM AUGUST 12, 2025 PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Project No. 2025050047 – **REQUEST FOR A VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT** – Request for a Variance in the R-1 (Rural Residential) District for an Addition to a Single-family Dwelling at 4278 Old A1A South. Parcel Number: 09-11-31-0000-01080-0021; 28,629+/- square feet (0.66+/- acres). Owners: Steve and Jeanne Burkhardt, H&W/Applicant: Robert E. Dickinson (AR No. 5693). *(TRC, PDB)*

Board Comment: None

Staff Presentation: Simone Kenney, Senior Planner

Applicant Presentation: Robert Dickinson, Applicant on behalf of the owners. He states that he highlighted in red on the site plan the key elements that play into their need for the variance.

Mr. Langello asks if there is any hardening on the waterway behind the home. Mr. Dickinson states he believes it is coquina that slopes down quite a bit (approximately 15-20' in grade change). Mr. Langello asks how close that grade change is to the addition. Mr. Dickinson points out the proposed grade near the rear of the addition and states in that location it is pretty flat. Mr. Conner asks who owns the property between the rear of the home and waterway. Staff states on Mr. Dickinsons behalf

Instrument No: 2025038206 9/17/2025 8:58 AM BK: 2991 PG: 1571 PAGES: 3 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD ORDER NO. 5921
PROJECT NO. 2025080063

Owner: Raymond R. Royer Jr. and Janice L. Paxson
Applicant: Raymond R. Royer Jr.
Location: 3 Pelican Lane, Flagler Beach, FL 32136
Parcel #: 23-11-31-5300-00000-0130
Legal Description: Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida

Request: This request is for a 22.34 foot left (West) street side setback variance from the minimum required 25 foot street side setback and a 1.2 percent lot coverage variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district at 3 Pelican Lane.

Section 1. Findings.

In accordance with Section 3.07.03. of the Flagler County Land Development Code, the Planning and Development Board, having considered the application at their regular meetings on September 9, 2025 testimony and evidence in the record presented by staff and the parties, other written documentation of record, and comments made during the public hearing portion of the proceedings, finds that the Owners do not meet the criteria of Section 3.07.03.E.1. through 4.:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship.

   The subject property is an undersized Lot of Record being part of the River Beach subdivision dating back to 1959 and being approximately 1,500 square feet under the minimum lot size of 9,000 square feet in the R/C district.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith.

   This is a before-the-fact variance request and the applicant is seeking permission before applying for a building permit.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article.

The granting of a variance will not cause substantial detriment to the public health, welfare, safety, and morals of the community. The applicant has submitted renderings showing that the pump house will be designed and built to be consistent with the existing dwelling.

4. No variance may be granted for a use of land or building that is not permitted by this article.

   Pools, pool decks, and pump houses are permitted accessory uses and structures within the R/C zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

The newly proposed location of the pump house reduces the necessary relief for the street side setback but increases the necessary relief for lot coverage. The current four-foot height limitation does reduce the accessibility and use of the pump house. While the requested variances are before-the-fact and the property is an undersized Lot of Record, the hardship is self-created. The Board could not reach a majority conclusion related to the need for the variances in excess of those as previously approved by the Board.

Section 2. **Denied.**

Based on the foregoing and following the September 9, 2025 hearing of the Planning and Development Board, the requested variances stated above are denied, with a 3-3 vote in favor of approval (tie vote results in a denial of the request).

Section 3. Appeal Rights.

An aggrieved party, including the local governing body, may appeal a Planning and Development Board's order regarding a variance request to the Board of County Commissioners of Flagler County. The appeal shall be conducted in accordance with Section 3.07.03.C. of the Land Development Code. The original application for appeal, accompanied by the required one hundred fifty dollar ($150.00) application fee, with the cost of any required public notice to be borne by the applicant, shall be filed with the Planning and Zoning Director no later than thirty (30) calendar days of the rendition date shown below.

SO ORDERED AND RENDERED, this 16th day of September 2025, by the Planning and Development Board of Flagler County, Florida, by and through its Chairman.

FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD

ATTEST:

Adrian Mayol for
Hannah Lademann, Board Secretary

Michael Boyd, Chairman

Approved as to Form:

Sarah Spector, Assistant County Attorney

CERTIFICATE OF SERVICE

PLANNING AND DEVELOPMENT BOARD ORDER NO. 5921
PROJECT NO.: 2025080063

As Secretary to the Planning and Development Board, I hereby certify that on this 19th day of September, 2025, copies of this Planning and Development Board Order No. 5921 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

Raymond R. Royer Jr. and Janice L. Paxson
3 Pelican Lane
Flagler Beach, FL 32136

Attested by: _____ for
Hannah Lademann, Board Secretary

ITEM 9B – THIS ITEM WILL NOT BE HEARD: QUASI-JUDICIAL – PROJECT NO. 2025080074 – REQUEST FOR A REZONING FROM THE AC (AGRICULTURAL) DISTRICT TO THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT. PARCEL NUMBERS: 28-12-31-0000-01010-0000 AND 29-12-31- 0000-01010-0000; PARCEL SIZE: 119+/- ACRES. OWNER: MPC LOTS LLC/APPLICANTS: RICHARD SMITH AND NIKA HOSSEINI. (AR NO. 5931)

There has been a request for the BOCC to open and continue to the Board's March 16, 2026, Regular Meeting at 5:30 p.m.

ITEM 9C – QUASI-JUDICIAL – PROJECT NO. 2025080063 – REQUEST FOR AN APPEAL OF THE PLANNING AND DEVELOPMENT BOARD'S DECISION DENYING VARIANCES FROM THE MINIMUM REQUIRED REAR SETBACK, MINIMUM REQUIRED STREETSIDE (WEST) SETBACK, AND MAXIMUM LOT COVERAGE REQUIREMENT FOR A PROPOSED POOL, POOL DECK, AND PUMP HOUSE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT AT 3 PELICAN LANE. PARCEL NUMBER: 23-11- 31-5300-00000-0130; 7,500+/- SQUARE FEET (0.17+/- ACRES). OWNERS: RAYMOND R. ROYER, JR., AND JANICE L. PAXSON/APPELLANT: RAYMOND R. ROYER, JR./AGENT: PETER R. MCGRATH, ESQ. (AR NO. 6024)

This item was requested by Adam Mengel, Growth Management Director:

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(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

SUBJECT: QUASI-JUDICIAL – Project No. 2025080063 – Request for an Appeal of the Planning and Development Board's Decision Denying Variances from the Minimum Required Rear Setback, Minimum Required Streetside (West) Setback, and Maximum Lot Coverage Requirement for a Proposed Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Appellant: Raymond R. Royer, Jr./Agent: Peter R. McGrath, Esq. (AR No. 6024).

DATE OF MEETING: January 12, 2026

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication.

An appeal was filed by the Owners on October 16, 2025, related to the Planning and Development Board's most recent variance denial for variances related to the construction of a pool, pool deck, and pump house at 3 Pelican Lane. Specifically, the Appellants'/Owners' most recent appeal requests:

> "Owners will be deprived of all reasonable use of the property as allowed in the zoning district. At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure. Applications requested in February to request 10' high as a buffer. But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal."

The appeal application cites the Planning and Development Board's Order No. 5921 from its September 9, 2025, regular meeting, where the Board's decision is provided by the appellant as: "3-3 vote in favor of approval (tie vote results in a denial of the request)."

This is Mr. Royer's second appeal to the Board of County Commissioners. His first appeal – like this appeal – sought the elimination of the Planning and Development Board's four-foot height limitation on the proposed pump house, with all other requested variances for the pool and pool deck's location and a variance to exceed lot coverage all approved by the Planning Board at its February 11, 2025, regular meeting. The Planning and Development Board's approval (vote on the motion was unanimous) stated:

> "The Planning and Development Board find that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024110031 for 3.49 foot rear (North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

setback for a pool and pool deck, a 22-foot left streetside (West) variance from the minimum required 25-foot streetside setback for a pump house, a 0.82 percent lot coverage variance from the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130), subject to the following condition:

1. The pump house is to be within the boundaries of the block wall (pool barrier) and not taller than 4 feet in height."

This first appeal was heard by the Board of County Commissioners at its May 5, 2025, regular meeting. After considering the appeal request, the Board denied (on a unanimous vote) the appeal (as copied below from the approved meeting minutes):

> "A motion was made by Commissioner Hansen to deny the appeal on the basis that the Planning and Development Board's decision was supported by competent substantial evidence, the [sic] due process was accorded to the applicant, and the essential requirements of law, primarily the four criteria for variances within the LDC, have been observed. Seconded by Commissioner Carney. Chair Dance called the question. Motion carried unanimously."

Unlike other land use requests, variance requests are not time-barred: a reapplication could be made at any time, and the Board's comments from the May 5, 2025, meeting concluded with this acknowledgement (again from the minutes):

> "Chair Dance noted Mr. Royer would have to re-apply, bring additional evidence, and modify his plan."

Mr. Royer did file a subsequent variance application (Project No. 2025050043), which was ultimately denied at the Planning and Development Board's August 12, 2025, regular meeting following a tie vote (2-2) on a motion to approve: a tie vote results in a denial of the request (see Order No. 5689). Due to discrepancies in the vote (and the County's hearing process) from the August Planning Board meeting, Mr. Royer was allowed by staff to reapply for his variance requests without requiring an application fee, seeking (according to his application):

> "Hardship relief on undersize lot, variance relief for pool housing structure: on height roof coverage."

The Planning and Development Board considered his third variance application at the Board's September 9, 2025, regular meeting, which again ended in a denial – a 3-3 tie vote on a motion to approve – of his variance requests. Mr. Royer had requested that County staff allow this appeal application to be submitted without an application fee, which was rejected by County staff: this delayed his appeal application submittal.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
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As a reminder to the Board, the subject parcel lies on the North side of Pelican Lane, East of Mockingbird Lane):



The Board of County Commissioners is the appellate authority following a decision by the Planning and Development Board pursuant to Section 3.07.03.C.1 of the Land Development Code. In turn, the decision of the Board of County Commissioners may ultimately be appealed to the Circuit Court. It is noted that the Board's denial of Mr. Royer's original appeal was not further appealed to the Circuit Court.

The appeal must be reviewed based on the record presented at the Planning and Development Board meetings and also argument of the appellant before the County Commission. No new evidence or testimony may be provided. In deciding, the Board of County Commissioners must make three determinations:

1. **Whether the Planning and Development Board's decision was supported by competent substantial evidence;**
2. **Whether due process was accorded; and**

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

3. **Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.**

As a variance request, the necessary detail is provided to the Planning and Development Board through a site plan. Initial site plan requirements for both variances and special exceptions are listed at LDC Section 3.07.03.A.2. The Planning and Development Board considered the applicants' site plans, which are included in the back up material attached hereto. It is noted that since the initial variance request, Mr. Royer had added to his submittal elevation views depicting the proposed construction.

Specific to variances, the LDC requires (at LDC Sec. 3.07.03.E.) demonstration that the four variance guidelines are considered by a variance applicant, with these guidelines typically depicted on a site plan and through a written narrative (and where "the board [Planning and Development Board] shall be guided by the following"):

> "*Variance guidelines.* A variance may be granted from the terms and provisions of this article where, owing to special conditions relating to the property, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Variances may be granted by the Planning and Development Board in such an individual case of unnecessary hardship upon a written finding based on competent, substantial evidence in the official record that:
>
> 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
> 2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
> 3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
> 4. No variance may be granted for a use of land or building that is not permitted by this article.
>
> A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district."

The Planning and Development Board's findings regarding these criteria are stated in the Planning Board's Order regarding the variance and are reflected in the Planning Board's technical staff report attached to this report.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

It is assumed that the Appellants' appeal request claims that the four (4) foot-height limitation originally imposed on the pump house (through the original variance approval) deprives him of his use of the pump house in the intended manner. However, the final paragraph of the Variance guidelines listed above states, ***"A variance, if granted, shall be the minimum variance necessary to alleviate the hardship."*** (Emphasis added). The Planning and Development Board's intent with the imposed condition was to ensure that the granted variances were the minimum variances necessary to alleviate the hardship, providing space for a pump house but arguably not for housing pool furniture.

This appeal iteration alleges that the "Owners will be deprived of all reasonable use of the property as allowed in the zoning district." Staff counters that the Planning Board's decision – with two tie-votes – was indicative of the difficulty posed by his request, where the Planning Board seeks to balance reasonable requests for relief from the strict application of the Land Development Code's requirements with limitations that respect the adjacent neighborhood and uphold the Code's intent to protect the health, safety, and general welfare. In staff's opinion, the Planning Board correctly weighed the evidence and testimony provided in the variance application and at the public hearing, and could not come to a majority consensus resulting in approval; however, the deprivation of "all reasonable use" is not the end result. The previously granted variances – inclusive of the pump house height limitation – provided for the proposed pool development. In the end, the "reasonable use" was not deprived, but instead it was conditioned on a requirement to limit the pump house height. The appeal goes on to state that: "At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure." This is correct, but the Planning Board opted to restrict the pump house height to less than 12 feet as a condition of granting the requested variances. This is the Board's prerogative: if the pump house can be placed on the parcel without the variances, then the 12-foot height applies. The appeal further (appears) to seek a 9-foot, 7-inch pump house height to match the height of the existing dwelling's gable roof: "But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal." The Board heard this proposal, and the vote – effectively considered at two separate consecutive meetings – resulted in a tie-vote (and a denial of the variance request) at each of these Planning and Development Board meetings.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
_____ legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:
Focus Area: Effective Government
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
  - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

DEPARTMENT CONTACT:
Adam Mengel, Growth Management Director, (386) 313-4065

Public notice has been provided for this application according to Land Development Code (LDC) Section 2.07.00.

OPTIONS FOR THE BOARD: As a reminder, the Board of County Commissioners is sitting in an appellate capacity as it relates to this matter. It is limited by LDC Section 3.07.03.C. to determining whether:

1. The Planning and Development Board's decision was supported by competent, substantial evidence;
2. Whether due process was accorded; and
3. Whether the essential requirements of the law have been observed.

The Board of County Commissioners may take ONE of the following actions:

1. APPROVE the Appeal request, overturning the Planning and Development Board's denial of the Variances for the Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **OVERTURNING** the decision of the Planning and Development Board's condition to limit the height of the proposed Pump House to Four (4) Feet. The Board of County Commissioners will need to set the maximum height of the Pump House; otherwise, the maximum height will be limited to a maximum height of twelve (12) feet.

2. DENY the Appeal request, upholding the Planning and Development Board's denial of the Variance – along with affirming the original Variance condition to limit the height of the proposed Pump House to Four (4) Feet at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **AFFIRMING** the Planning and Development Board's decision to grant the Variance *with the condition as to the Pump House as originally imposed by the Planning and Development Board.*

3. REMAND the Variance denial back to the Planning and Development Board for further proceedings with direction on how the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or observe the essential requirements of law. The Variance use is held in abeyance until the Planning and Development Board renders a decision on the Variance as remanded.

4. CONTINUE the Board of County Commissioners' review of the appeals to a time and date certain. A continuance should be for the appellants or for staff to provide additional information to the Board of County Commissioners.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
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It should be noted that, unlike a rezoning request that is limited to no more than one request for the same parcel of land every six months, a variance application submittal is not time-barred (see LDC Sec. 3.07.05.G.). Accordingly, should the Board of County Commissioners uphold the Planning and Development Board's denial of the variance, the owner may (again) immediately refile a variance request with the County for a similar request.

QUASI-JUDICIAL: Commissioner Hansen disclosed having communication with the applicant, Mr. Royer. Stated Mr. Royer was upset about the application denial, so he attempted to plead his case.

Adam Mengel, Growth Management Director, provided a presentation that included a summary of the staff report referenced above.

Commissioner Richardson inquired whether all structures within the community would be required to be four feet in height or less if the appeal request were denied.

Mr. Mengel explained that the Planning Board had considered the number of variances previously granted to the applicant and, as a result, elected to further limit the height of the pump house as a condition of approving the additional variances. He added that the height could be as much as twelve feet.

Commissioner Carney asked how many members serve on the Planning Board.

Mr. Mengel stated that there are typically seven members on the Planning Board; however, only six members were present at the September 9th meeting.

Commissioner Pennington requested confirmation that there had been a tie vote at the September 9th meeting.

Mr. Mengel confirmed that there was a tie vote.

Commissioner Hansen expressed concern regarding potential unfairness, noting that three Planning Board members had previously voted in favor of approving the variance request. He further observed that there had also been a tie vote on Mr. Royer's initial variance request.

Mr. Mengal commented on the even number of Planning Board members being problematic.

(Item 9c – Continued)

Commissioner Dance stated this is not a denial of due process.

Commissioner Carney agreed that an even number of Planning Board members is problematic. Asked for confirmation that the four-foot limitation was imposed by the Planning Board.

Mr. Mengal responded with yes. Explained how the Planning Board made the determination on the limitation.

Chair Pennington called for the applicant.

Peter McGrath, Appellant's Attorney, stated there has been an assumption that there is a four-foot height limitation with respect to hedges and walls based on a set of covenants and restrictions. Noted he has an opinion letter.

Commissioner Dance asked if the opinion letter is new evidence.

Mr. McGrath answered yes.

Commissioner Dance stated no new evidence could be considered.

Michael Rodriguez, County Attorney, noted new evidence falls outside the scope of the appeal.

Mr. McGrath spoke about how Mr. Royer voluntarily limited the height of the wall and that the restrictions have dropped off his title. Further stated that a six-foot wall would still comply with the Land Development Code (LDC) requirements. He noted that while the LDC does not specifically address pool pump houses, it does regulate accessory structures, and that under those provisions Mr. Royer would be permitted a height of up to twelve feet. Mr. McGrath stated that Mr. Royer intends to construct the pump house to a height of nine feet, seven inches, and is requesting a ten-foot allowance to accommodate minor variation. Emphasized that the pump house must contain two four-horsepower motors, a pool pump, a filtration system, and a pool heater, and that a four-foot height limitation would create a hardship by failing to provide sufficient space for the equipment and adequate ventilation. Further noted that there has been a tie vote on more than one occasion.

Raymond Royer, Appellant, spoke about his due process being violated and the Planning Board members being biased. Added there is no justification on the four-foot limitation.

Mr. McGrath stated the licensed contractor was present to discuss the issue concerning the four-foot limitation on the height of the structure.

(Item 9c – Continued)

Chair Pennington clarified the procedures. Asked whether the Planning Board had discussed the issues of equipment space and ventilation within the structure.

Mr. Mengal stated there had been a suggestion for the pump installer to appear before the Planning Board, but that this did not occur. Added that the pump installation manual was submitted as evidence. Explained that Mr. Royer indicated the additional room would be necessary to accommodate the pumps. Further noted that there is a four-foot height limitation for structures and fencing in front yards, and the shed could not be placed in its current location without a variance. Stated that the Planning Board granted the variance on the condition that the height of the structure be limited to four feet. Also noted that this is a corner lot and further clarified the applicable LDC requirements for the residential zoning district.

Commissioner Dance stated that the four-foot height limitation is not arbitrary.

Mr. Mengal stated it is not. Added that there may be private covenants and restrictions; however, those were not reviewed because the LDC requirements governed the analysis.

There was extensive BOCC discussion on the appeal request.

Mr. McGrath and Mr. Royer gave a rebuttal statement.

Chair Pennington called for public comment and there was none.

Chair Pennington called for public comment.

Tamara Daniels, Contractor Representative, commented on the pool equipment and proposed structure.

Michael Rodriguez, County Attorney, stated only the appellant and interested parties with standing that have been permitted to intervene may present oral argument on the established record, but no new testimony or other evidence shall be taken. Clarified this is not a matter for public comment because this is an appeal limited to the record before it. Asked the BOCC to disregard Ms. Daniel's testimony.

Commissioner Carney inquired what CFMs are.

Mr. Mengal responded with Cubic Feet per Minute. Noted it is measure of air flow.

The BOCC entered into further discussion on the appeal request.

(Item 9c – Continued)

Mr. Rodriguez stated the Planning Board did not render a decision to affirm or overturn. Clarified the rules and procedures and advised the BOCC on how they could take action on the item.

There was BOCC discussion on the variance requests.

A motion was made by Commissioner Dance to remand the variance denial back to the Planning and Development Board for further proceedings, with direction on reviewing the height of the accessory structure and for compliance with the Land Development Code.

Mr. Rodriguez noted what should be included in the motion.

Commissioner Dance asked for clarification.

Mr. Rodriguez clarified.

Chair Pennington asked if the BOCC should vote on the motion without public comment.

Mr. Rodriguez advised the BOCC.

The motion was seconded by Commissioner Carney.

An amended motion was made by Commissioner Dance to remand the variance denial back to the Planning and Development Board for reconsideration of the variance and the additional request for the increase of the height of the accessory structure to 10 feet, and that the variance meets the criteria for a variance under the Land Development Code. Seconded by Commissioner Carney.

Chair Pennington called for a roll call vote.

Tiffani Smith, Deputy Clerk, took a roll call vote and captured the following responses:

- **Commissioner Richardson: "Yes"**
- **Commissioner Hansen: "Aye"**
- **Chair Pennington: "Yes"**
- **Commissioner Carney: "Yes"**
- **Commissioner Dance: "Aye"**

Motion carried unanimously.

Instrument No: 2026009025 3/2/2026 3:01 PM BK: 3034 PG: 754 PAGES: 3 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS ORDER NO. 6024
PROJECT NO. 2025080063

Appellants: Raymond R. Royer Jr. and Janice L. Paxson
Owners: Raymond R. Royer Jr. and Janice L. Paxson
Applicant: Raymond R. Royer Jr.
Location: 3 Pelican Lane, Flagler Beach, FL 32136
Parcel #: 23-11-31-5300-00000-0130
Legal Description: Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida

Request: The appellants filed an application for the Board of County Commissioners to consider an appeal of the Planning and Development Board's denial (Planning and Development Board Order No. 5921 rendered September 16, 2025 and recorded on September 17, 2025 at Official Records Book 2991, Page 1571, Public Records of Flagler County, Florida) for a 22.34 foot left (West) street side setback variance from the minimum required 25 foot street side setback and a 1.2 percent lot coverage variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district at 3 Pelican Lane (Parcel Number: 23-11-31-5300-00000-0130). The appellants specifically requested that:

"Owners will be deprived of all reasonable use of the property as allowed in the zoning district. At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure. Applications requested in February to request 10' high as a buffer. But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal."

Section 1. **Findings.**

The Board of County Commissioners, having considered the appeal application at its regular meeting on January 12, 2026, testimony and evidence in the record presented by staff and the parties, other written documentation of record, and comments made during the public hearing portion of the proceedings, determined that:

1. Whether the Planning and Development Board's decision was supported by competent substantial evidence;

   The Board found that the Planning and Development Board's decision denying the variance request was neither supported or not supported by competent substantial evidence. The Board's decision denying the

application request was based on the Board's tie-vote resulting in a denial.

2. Whether due process was accorded; and

   The Board of County Commissioners found that due process was accorded to all parties by the Planning and Development Board.

3. Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.

   The Board of County Commissioners found that the essential requirements of law – including primarily the four Criteria for Variances within the LDC – have been observed by the Planning and Development Board. However, the Board's denial of the application request – due to the tie-vote – necessitates the Board's reconsideration of the variance request on remand to make a determination on the variance application for reconsideration of the variance request inclusive of the increase in height of the pump house accessory structure to 9 feet, 7 inches, finding that the request meets the criteria for approval of a variance under the LDC.

Section 2. **Remanded.**

Based on the foregoing and following the January 12, 2026 hearing of the Board of County Commissioners, the requested appeal stated above is remanded to the Planning and Development Board for reconsideration.

Section 3. **Appeal Rights.**

An aggrieved party, including the local governing body, may appeal a Board of County Commissioners' order regarding an appeal request by filing such appeal with the Circuit Court of Flagler County, Florida, within thirty (30) days of the rendering of the order by the Board. Such appeal shall be by writ of certiorari and shall not be a hearing de novo.

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS ORDER NO. 6024
PROJECT NO. 2025080063

SO ORDERED AND RENDERED, this 2nd day of March 2026, by the Board of County Commissioners of Flagler County, Florida, by and through its Chair.

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST:

D.C.

Tom Bexley, Clerk of the Circuit Court and Comptroller

Leann Pennington, Chair

Approved as to Form:

Sarah Spector, Assistant County Attorney

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, June 3, 2025 10:02 AM
To: Planning Dept
Subject: Zoning variance

Hello,
Would you confirm whether a new request has been submitted for
3 Pelican Lane, Flagler Beach.

If so, please provide the online (guest) access code for the request.

Will it be presented at July meeting?
Thank you,
Jackie O'C

Please excuse typos! Sent from my iPhone

Adam Mengel, AICP, LEED AP BD+C

From: Hannah Lademann
Sent: Tuesday, June 3, 2025 10:07 AM
To: Jackie OConnell; Planning Dept
Subject: RE: Zoning variance

Good morning,

Yes, Mr. Royer did submit a new variance application for 3 Pelican Lane. You can find it using AR #5689 on our online portal. He is set to be on the June 18th Technical Review Committee agenda and then should subsequently fall on the July 8th Planning and Development Board agenda. Let me know if you have any other questions.

Hannah Lademann
Planner
E: [redacted]flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Thursday, June 19, 2025 8:17 AM
To: Planning Dept; Sean S. Moylan
Subject: Feb 11, 2025 Minutes Correction re Project 2024110031 3 Pelican Lane

Planning/Zoning and Legal Team,

As discussed at the June Planning and Development Board meeting, the minutes from the February Board meeting are being revised for voting correction(s) and will be submitted to the Board at the July meeting. **The February minutes also omit any mention of the Public Comments, submitted via email by me and Ms. Nancye Walls, which were referenced by Mr. Mengel at the February meeting and copies provided to the Board members.** By only referencing the two Public Commenters who spoke in favor of the variance request, and omitting the two who submitted opposition, **there is a significant bias in the meeting minutes and public records.** You'll recall that I alerted you to this omission and sent an objection when Applicant took an appeal to the County Commission.

Please revise the February Board minutes to reflect the public comments in opposition to the variance request which were presented at the February meeting. (These Board minutes may be referenced in the updated variance request which Applicant is pursuing.)

Thank you,

Jackie O'Connell
7 and 8 Mockingbird Lane, FB

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Thursday, July 3, 2025 1:18 PM
To: Hannah Lademann; Planning Dept
Subject: Re: Zoning meeting July 8 - Agenda

Will the Agenda and Backup for next Tuesday's meeting be posted today? I don't yet see it on your website.
Thanks, Jackie O'Connell
336.512.9671 mobile
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Adam Mengel, AICP, LEED AP BD+C

From: Hannah Lademann
Sent: Thursday, July 3, 2025 2:08 PM
To: Jackie OConnell; Planning Dept
Subject: RE: Zoning meeting July 8 - Agenda

Yes, it should be posted before the end of the day. They are finishing up some staff reports as we speak.

Hannah Lademann
Planner
E: [redacted]flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

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Cc: Planning Dept
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Thanks. Happy 4th to you!
336.512.9671 mobile
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Adam Mengel, AICP, LEED AP BD+C

From: rental POC, Nan <[redacted]gmail.com>
Sent: Monday, July 7, 2025 9:52 AM
To: Planning Dept
Subject: Scanned Document 6
Attachments: Scanned Document 6.pdf

Nancye walls comments on 3 Pelican Lane, Project 2025050042-AR 5689

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Monday, July 7, 2025 10:09 AM
To: Adam Mengel, AICP, LEED AP BD+C
Subject: FW: Scanned Document 6 (Planning and Development Board public comment on Item No. 8)
Attachments: Scanned Document 6.pdf

Importance: High

Hello Planning and Development Board members:

Please see below and attached regarding public comment received after publication of the Planning and Development Board meeting agenda. This comment is related to Item No. 8, Mr. Royer's resubmitted variance application at 3 Pelican Lane (Project No. 2025050043/AR No. 5689).

Please contact us with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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Nancye walls comments on 3 Pelican Lane, Project 2025050042-AR 5689

Comments Regarding 3 Pelican Lane Project No. 2025050042- AR5689-
Variance in the Residential Limited Commercial District

Good Morning,

My name is Nancye Walls. I am the owner of 7 Pelican Lane which is on the west side of Mockingbird Lane directly across from 3 Pelican Lane.
I do not agree to approve any variance beyond accommodating the house footprint that existed when Mr. Royner purchased 3 Pelican Lane in 2017.

The variance request is to build pool pump house and fence that would extend almost to his west side property line adjacent to the 50 foot wide road – Mockingbird. There are 6 residences and vacant lots on Mockingbird. Building this close to the road will prevent parallel parking for cars, RVs, boats that are used by residence and/or come in the neighborhood with friends and family. Also space is needed for the routine Amazon truck, other delivery and Emergency vehicles. Additionally the height of the pool house is a safety issue that can block the view of children and adult pedestrians and vehicles and the structure on planned location would be an eye-sore.

As background:
There are 20 Plus lots in this River-Beach development started in 1960s. There are 3 roads in the development – Pelican, Mockingbird and Cardinal Lanes – each is a 50 foot wide parcel of land. Some portion of each road is a combination of gravel, sand and grass. The gravel passageway is a single lane section within the road so it may appear that parking is available on the grass and sand, but technically vehicles should not park on the road. Each home owner should have an easement on their property wide enough for extra and visitors parking and for rainwater drainage. Dealing with rain water is a growing concern that will increase when the 3-4 vacant lots along Mockingbird are developed.
Mr. Royner has a large house (3,500 sqare feet including driveway and porches) but his lot is only 7,500 square feet. The east side and front of his property may be an option or the rear section or some portion of his house which has a permanent roof may be repurposed for his endless lap pool and pumping equipment.

Respectfully,

NANCYE WALLS, 571-426-2867

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, July 8, 2025 3:15 PM
To: Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Hannah Lademann; Chuck Merenda
Subject: FW: Scanned Document 6 (Planning and Development Board public comment on Item No. 8)
Attachments: Public Comment (AR 5689).pdf

Importance: High

Hello Planning and Development Board members,

Please see the attached document for another public comment regarding Item No. 8, Mr. Royer's resubmitted variance application at 3 Pelican Lane (Project No. 2025050043/AR No. 5689).

Please contact us with any questions,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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Please contact us with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

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Nancye walls comments on 3 Pelican Lane, Project 2025050042-AR 5689

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Friday, July 18, 2025 4:20 PM
To: Jackie OConnell
Cc: PublicRecords; Simone Kenny, AICP
Subject: Variances within River Beach subdivision

Hi Ms. O'Connell:

I checked Department records for variances within River Beach using the following search terms:

- "23-11-31-5300"
- "Cardinal"
- "Mockingbird"
- "Pelican"
- "River Beach"

No files were found other than the variance files associated with Mr. Royer's request at 3 Pelican Lane.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, July 20, 2025 5:46 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: PublicRecords; Simone Kenny, AICP
Subject: Re: Variances within River Beach subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks to you and Simone for the assistance on Friday. At the next meeting, I plan to say/write "As confirmed in a recent search of public records, no other variances have been sought, nor granted, in our subdivision."
Let me know of any objection.

Jackie O'Connell
336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

On Jul 18, 2025, at 4:20 PM, Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov> wrote:

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Growth Management Director

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Friday, August 8, 2025 8:51 AM
To: Simone Kenny, AICP; Planning Dept
Subject: 3 Pelican Lane - Badu Stream II info
Attachments: Badu Stream plumbing photo.pdf; Installation-Manual-BaduStream-II description.pdf

Good morning Simone,
I did a quick google search of the Badu pumps which Mr. Royer says he will install. Here is the link to the full Installation guide. I've attached two excerpts which would be helpful to send to the Board in their package.
Thank you, Jackie

From Badu site

https://www.badujet.com/wp-content/uploads/2021/03/Installation-Manual-BaduStream-II.pdf

Jackie O'Connell

Plumbing installation for the BaduStream ***Package D (system include three jet housings & two pumps)***

NOTE: ***(Three Jet Installation)*** *Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

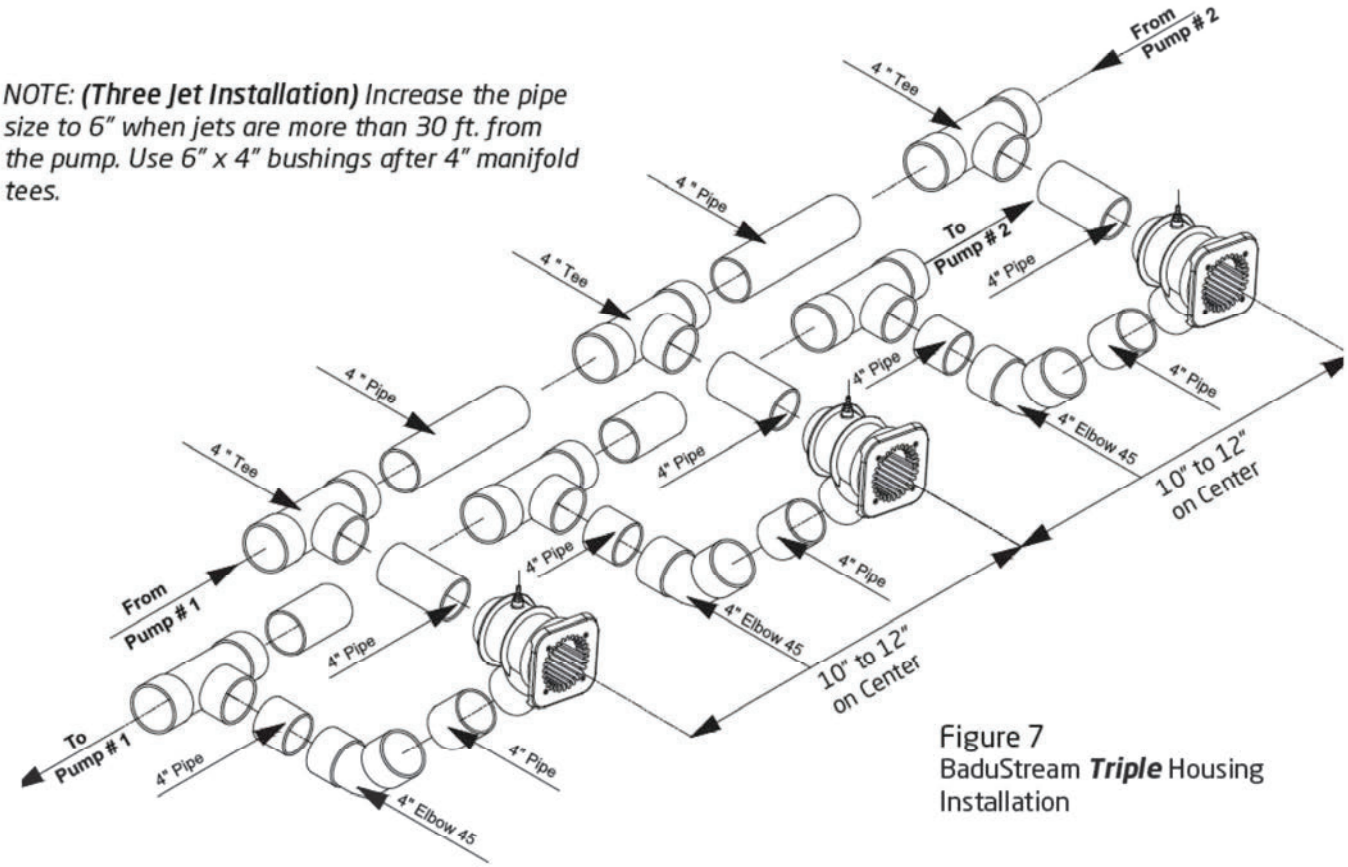


Figure 7
BaduStream ***Triple*** Housing Installation

IMPORTANT NOTE: ***CHECK VALVES <u>MUST BE</u>*** *used on the discharge side of each pump. Minimum 4" pipe between pump and BaduStream plumbing manifold.*





Figure 8
Check Valves Installed

2 General Description

Badu®Stream *II*

The Badu SwimJet Systems from Speck Pumps are designed to be installed during the construction of your pool to create a water treadmill for anyone wanting a therapeutic and effective exercise.

The Badu SwimJet Systems can be installed in any type of pool, large or small, from gunite to vinyl liner. It has no protruding parts ensuring pool user's safety, is very compact and installs at minimal cost. The self-contained, flush-mounted unit is a jet-propulsion system that pumps water into the pool creating a current in excess of 5,700 gallons per minute from a single recessed jet housing.

Topping off the experience is the pulsating massage hose which can be attached to the jet nozzles for easy and convenient massage treatments for joints and muscles. *(NOTE: The massage hose is sold separately.)*

3 Installation Information

Receiving Information

1. Upon receipt of the swimjet system, check the cartons for damage. Open each carton and check the pump(s), jet housing(s), and control box for concealed damage, such as cracks, dents, or a bent base. If damage is found, contact the shipper or distributor where the swimjet was purchased.

2. Inspect the contents of each carton and verify that all parts are included. *(See Image 1)*

A. Flush-mount jet housing

B. Square, anti-entrapment cover (8¼" x 8¼") undetectable pump suction. *(Optional Round Cover available)*

C. Adjustable water flow jet nozzle

D. Air regulator adjusts amount of air bubbles in water flow.

E. Control box complete with GFCI and WiFi control module.

F. SPECK Model 21-80/33GS 4.0 HP (or a SPECK Model 72-VI 3.5 HP) self-priming, single phase plastic pump with built-in thermal overload *(no motor starter required)*. Optional three phase pump and control box available. (*NOTE: Flooded suction pump available for installation below water level.)*

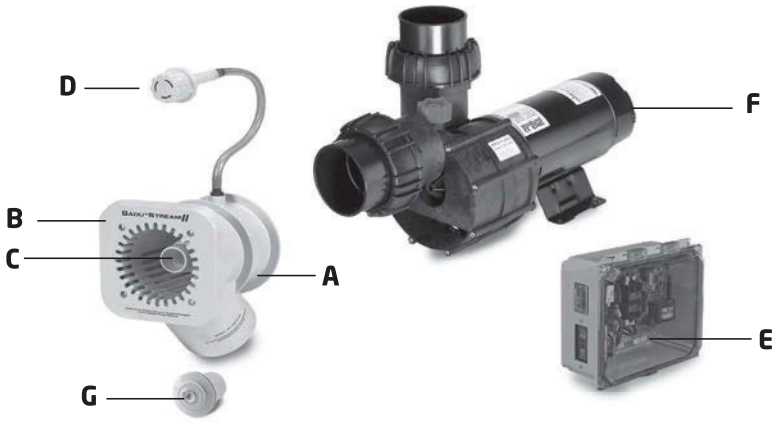


Image 1
BaduStream II System (1 jet & 4 HP pump)

G. System (ON/OFF) LED Touch Button - Complete with 1.5" threaded housing fits into any 1.5" return fitting. The Touch button turns the swimjet system ON/OFF. Waterproof button may be installed below water level.

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, August 10, 2025 3:58 PM
To: Planning Dept; Sean S. Moylan
Subject: July Minutes - 3 Pelican

I noticed that there is no mention of the two Public Comments sent via email, from Ms Walls and Mr Benoit, in opposition to the Pelican variance request. Would you please update the minutes to reference this opposition before the Board approves.
Thank you,
Jackie O'Connell

Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Sean S. Moylan
Sent: Monday, August 11, 2025 7:59 AM
To: Adam Mengel, AICP, LEED AP BD+C; Simone Kenny, AICP; Hannah Lademann; Sarah Spector
Subject: Fw: July Minutes - 3 Pelican

The written comments are part of the record but don't have to be mentioned or spread on the mins. I suggest treating these written cmts just as have historically treated any other.

Get Outlook for iOS

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, August 10, 2025 3:57:32 PM
To: Planning Dept <[redacted]flaglercounty.gov>; Sean S. Moylan <[redacted]flaglercounty.gov>
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Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Monday, August 11, 2025 8:08 AM
To: Jackie OConnell; Planning Dept; Sean S. Moylan
Subject: RE: July Minutes - 3 Pelican

Hello Jackie,

The meeting minutes reflect discussion and actions taken during the meeting. Public Comments are included in the record of each item which are published as part of the backup. They are not included in the minutes.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner
E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 11, 2025 9:46 AM
To: Simone Kenny, AICP
Cc: Planning Dept; Sean S. Moylan
Subject: Re: July Minutes - 3 Pelican

Thanks for your quick response. Let me clarify…I'm not suggesting the actual emailed comments be included in the minutes. I'm requesting that the minutes reflect there were (the existence of) two (emailed) opposing "public comments" received and shared with the Board. If a reference isn't part of the official record of the meeting, no one will know there was additional opposition.

When Mr Royer recently appealed to County Commission, a similar omission was in the Planning Board's February minutes. Mr. Mengel had to verbally state to the Commission there was additional opposition, not referenced in the Planning minutes. Subsequently, the Planning Board minutes for February were amended to reference the emailed opposition.

Shouldn't a similar reference, noting that two opposing emailed comments were received, be included in the July minutes for the Planning Board?

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

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> Jackie O'Connell
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> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Tuesday, August 12, 2025 2:18 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: Chuck Merenda; Simone Kenny, AICP
Subject: FW: Objection to Variance Request
Attachments: 3 Pelican Ray - GEB ltr to County.pdf

Importance: High

Planning and Development Board members:

Please see below and attached regarding Agenda Item No. 5.

Please contact us with any questions.

Thank you,

Adam

From: George Benoit <[redacted]icloud.com>
Sent: Tuesday, August 12, 2025 2:01 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: O'Connell Daniel & Jacqueline <[redacted]yahoo.com>
Subject: Objection to Variance Request

Flagler County Zoning and Planning Department,

Re: Project No. 2025050043
Please include my objection to the requested variance that I had sent in for a previous hearing.

George E Benoit
17 Pelican Ln.

George

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit

STOP





Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 4:16 PM
To: Planning Dept
Subject: Fwd: 3 Pelican - meeting tomorrow - Tuesday morning

Wanted to give a heads up that we will come to your office tomorrow (Tuesday) between 10-noon to discuss questions regarding R/C zoning requirements, procedures for PDB meetings, and appeals to BOCC.
If the appropriate staff won't be available during that time frame, we can shift to 1-3p. Pls advise by 8:30am if the afternoon works better.
Thank you,
Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

Begin forwarded message:

> **From:** Jackie OConnell <[redacted]yahoo.com>
> **Date:** August 13, 2025 at 11:19:28 AM EDT
> **To:** Simone Kenny AICP <[redacted]flaglercounty.gov>
> **Subject: 3 Pelican**
>
> Hi Simone,
> Would you be available to meet w Dan and me to answer a couple of questions regarding the zoning code/requirements? Probably 30 minutes[redacted] your office.
>
> How does your schedule look for Monday 8/18, anytime, or this Friday 8/15, 11am-5pm. If either will work, you pick the time.
> Thank you,
> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 8:14 PM
To: Simone Kenny, AICP
Cc: Planning Dept
Subject: Re: 3 Pelican - meeting tomorrow - Tuesday morning

Will do, thx
Please excuse typos! Sent from my iPhone

On Aug 18, 2025, at 4:25 PM, Simone Kenny, AICP <[redacted]flaglercounty.gov> wrote:

Hello,

Apologies for missing your earlier email. We have a meeting from 11 am to 12pm and I will be out of the office for meeting after 2pm. To make sure we have enough time to answer your questions, I'd recommend coming a little before 10.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 19, 2025 3:43 PM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: Re: follow up Board/Commission meetings

Hello Ms. Spector,

Your email came in while my husband and I were meeting w Ms. Kenny and Lademann. They have probably shared w you a bit more color around our inquiries.

Regarding a tie vote. As you confirmed, the LDC states that in case of quorum and tie-vote, the item fails. This was the situation at the Aug 12 meeting. There was a motion and vote to approve, resulting in a tie, and thus the decision of the Board was that the variance did not pass. The Acting Chair and another Board member stated it was appropriate to move to the next agenda item. The Board vote was not rescinded. Only after the "inquiry/guidance" from Staff did the invalid discussions, motion and vote to continue ensue.

Regarding continuance. The LDC states that only one continuance may be allowed. If your position is that more continuances may be granted in cases of tie vote, then an infinite number of continuances could be needed/granted; this is not documented in Code, nor is it reasonable. In the PDB meeting, Staff stated that there is a maximum of two ("just two") continuances allowed. Which code section (or precedence) states any circumstances that allows for more than one continuance?

Given the importance of timing in "decisions", we request these procedural errors be addressed as soon as possible, certainly within a week. Should the invalid continuance be perpetuated at Sept meeting, there is compounding of a procedural error, not to mention bias in favor of Applicant.

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

On Aug 19, 2025, at 10:26 AM, Sarah Spector <[redacted]flaglercounty.gov> wrote:

Good morning, Ms. O'Connell-

As to your first question, Section 2.02.03(5) of the Land Development Code provides that each decision of the planning and development board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. In the absence of a majority vote, the item fails.

As to the second question, Section 3.07.03(B)(3) of the Land Development Code allows for one continuance due to lack of necessary info ("If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception."). However, there is nothing in the Code that prohibits an additional continuance for other reasons like, here, where the Board had an even number of members and wanted to wait to vote again when there would possibly be an odd number in attendance.

Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 9:50 AM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

Thank you. In regard to the two other open items:

1) Would you provide the LDC Code (or relevant procedural code) section which addresses a Planning and Development Board "tie vote" and resulting decision.
2) Would you provide the Code reference(s) which indicates the situation(s)when the PDB may grant a second continuance for a variance request in an R/C district. (The only related section I identified is FC 3.07.03.B.3.)

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

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> Good morning,
> I verified your comments/emails were not made part of the record on appeal. I instructed staff that the entire record must be presented to the BCC on appeals.
>
>
> Sean S. Moylan
> Deputy County Attorney

> Board Certified City, County, and Local Government Law
> E: [redacted]flaglercounty.gov | V: 386-313-4056
>
> Flagler County Board of County Commissioners
> 1769 E. Moody Blvd., Bldg 2
> Bunnell, FL 32110
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> To: Sean S. Moylan <[redacted]flaglercounty.gov>
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> Hello Mr. Moylan,
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> Thanks,
> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 26, 2025 12:23 PM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: Re: follow up Board/Commission meetings

Thank you for the update. Is Mr. Royer aware that procedural questions were raised by me (using my name) or was a generic reason given (public inquiry, staff question, etc)? Also would you provide the portal access # for his new application?
Jackie
Please excuse typos! Sent from my iPhone

On Aug 26, 2025, at 9:50 AM, Sarah Spector <[redacted]flaglercounty.gov> wrote:

Good morning, Ms. O'Connell-

I apologize for the delay in responding to you. We were addressing your comments and concerns internally last week and can now report to you that Mr. Royer has submitted a new application. Thus, while we do not necessarily agree with the conclusions that you have drawn below, the procedural issues raised will no longer cloud the underlying issue of whether the variance criteria have been met.

The first stop for the new application will be the Technical Review Committee on September 17, 2025. From there it will be scheduled for hearing by the Planning and Development Board, likely in October but this will be decided at the TRC meeting.

Should you have any questions regarding the foregoing, please do not hesitate to reach out.

Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110








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> 336.512.9671 mobile
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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Wednesday, August 27, 2025 8:04 AM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: Re: follow up Board/Commission meetings

Surely there could have been a more objective way, without my name or inference, to address this w Mr Royer and, if not too late, with PDB.

How was, or will, my inquiries be conveyed to the Chair/Vice, and rest of members?
What will August draft minutes reflect as outcome? A decision "rendered"?

Regarding the reapplication, which procedures (vote, # of continuances, etc.) will be followed?

Not being argumentative, I simply need to know to whom and how I've been identified and which rules apply.

Thank you, Jackie

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

On Aug 26, 2025, at 4:31 PM, Sarah Spector <[redacted]flaglercounty.gov> wrote:

The new AR # is 5921.

I cannot state with certainty whether you were referred to by name, but I do know that Mr. Royer was aware of the inquiry you made.

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 26, 2025 12:23 PM
To: Sarah Spector <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Sean S. Moylan <[redacted]flaglercounty.gov>
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Should you have any questions regarding the foregoing, please do not hesitate to reach out.

Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110









The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 19, 2025 3:43 PM
To: Sarah Spector <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Sean S. Moylan

<[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

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Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

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To: Sarah Spector; Simone Kenny, AICP
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Sent: Tuesday, September 2, 2025 3:35 PM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan; Simone Kenny, AICP
Subject: Re: follow up Board meetings DATE??

I left a voicemail message last Friday (Aug 29) to clarify meeting dates, before receiving Mr. Mengel's email later that day.

Mr. Royer's application is dated Friday, August 22

Public notice letter is dated and postmarked (Monday), August 25. Staff review of Mr. Royer's application, decision to waive TRC and schedule for Sept PDB meeting must have been made before or on that day.

Effectively, Mr. Royer got another continuance.

Your email of August 26 noted a TRC meeting in September, followed by PDB meeting likely in October.

In any case, I understand that the PDB meeting is September 9.

Thank you.

Please excuse typos! Sent from my iPhone

> On Sep 2, 2025, at 1:45 PM, Sarah Spector <[redacted]flaglercounty.gov> wrote:
>
> Ms. O'Connell-
>
> I was out of the office as of last Wednesday afternoon, but I was following email traffic. Because the email from Mr. Mengel went out at the end of the day on Friday, I did not realize until I received your voicemail today that you still had a question regarding the TRC hearing date on Mr. Royer's new application.
>
> As Mr. Mengel mentioned in his email below, my August 26 email was sent in the brief period of time after Mr. Royer submitted his application but before it had been reviewed by staff. Once it was determined that TRC review was not needed, notice was provided as required for the September 9 Planning and Development Board meeting.
>
> Mr. Royer's application will be heard by the Planning and Development Board on September 9, 2025.
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> Assistant County Attorney

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E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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<image001.png>
<image003.png>
<image004.png>
<image005.png>

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 19, 2025 3:43 PM
To: Sarah Spector <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

Hello Ms. Spector,

Your email came in while my husband and I were meeting w Ms. Kenny and Lademann. They have probably shared w you a bit more color around our inquiries.

Regarding a tie vote. As you confirmed, the LDC states that in case of quorum and tie-vote, the item fails. This was the situation at the Aug 12 meeting. There was a motion and vote to approve, resulting in a tie, and thus the decision of the Board was that the variance did not pass. The Acting Chair and another Board member stated it was appropriate to move to the next agenda item. The Board vote was not rescinded. Only after the "inquiry/guidance" from Staff did the invalid discussions, motion and vote to continue ensue.

Regarding continuance. The LDC states that only one continuance may be allowed. If your position is that more continuances may be granted in cases of tie vote, then an infinite number of continuances could be needed/granted; this is not documented in Code, nor is it reasonable. In the PDB meeting, Staff stated that there is a maximum of two ("just two") continuances allowed. Which code section (or precedence) states any circumstances that allows for more than one continuance?

Given the importance of timing in "decisions", we request these procedural errors be addressed as soon as possible, certainly within a week. Should the invalid continuance be perpetuated at Sept meeting, there is compounding of a procedural error, not to mention bias in favor of Applicant.

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

On Aug 19, 2025, at 10:26 AM, Sarah Spector <[redacted]flaglercounty.gov> wrote:

Good morning, Ms. O'Connell-

As to your first question, Section 2.02.03(5) of the Land Development Code provides that each decision of the planning and development board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. In the absence of a majority vote, the item fails.

As to the second question, Section 3.07.03(B)(3) of the Land Development Code allows for one continuance due to lack of necessary info ("If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception."). However, there is nothing in the Code that prohibits an additional continuance for other reasons like, here, where the Board had an even number of members and wanted to wait to vote again when there would possibly be an odd number in attendance.

Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in

collaboration with the cities and to act as a fiscally responsible steward.

-----Original Message-----
From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 9:50 AM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

Thank you. In regard to the two other open items:

1) Would you provide the LDC Code (or relevant procedural code) section which addresses a Planning and Development Board "tie vote" and resulting decision.
2) Would you provide the Code reference(s) which indicates the situation(s)when the PDB may grant a second continuance for a variance request in an R/C district. (The only related section I identified is FC 3.07.03.B.3.)

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

> On Aug 18, 2025, at 8:07 AM, Sean S. Moylan <[redacted]flaglercounty.gov> wrote:
> Good morning,
> I verified your comments/emails were not made part of the record on appeal. I instructed staff that the entire record must be presented to the BCC on appeals.
>
>
> Sean S. Moylan
> Deputy County Attorney
> Board Certified City, County, and Local Government Law
> E: [redacted]flaglercounty.gov | V: 386-313-4056
>
> Flagler County Board of County Commissioners
> 1769 E. Moody Blvd., Bldg 2
> Bunnell, FL 32110
>
>
> -----Original Message-----
> From: Jackie OConnell <[redacted]yahoo.com>
> Sent: Sunday, August 17, 2025 2:02 PM
> To: Sean S. Moylan <[redacted]flaglercounty.gov>
> Subject: follow up Board/Commission meetings
>
> Hello Mr. Moylan,

> I appreciate the time you took to talk with me last Wednesday. There were a couple of items, relating to meetings on May 5 and Aug 12, that you were going to verify or research. Would you be able to provide an update (call or email) sometime on Monday, 8/18?
> Thanks,
> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Friday, September 5, 2025 8:52 AM
To: Simone Kenny, AICP; Planning Dept
Subject: Information for PDB package re 3 Pelican
Attachments: Fact Checker 3 Pelican variance.pptx

Hello Simone and Planning Team,

Attached is a file of 9 slides for inclusion in the PDB's packet re 3 Pelican variance request. There is a one-page summary of pertinent statements/assertions, compared to "facts", followed by 8 supporting documents.

If you have any issues accessing the file, don't hesitate to call me.

Kindly
confirm receipt and thank you,

Jackie O'Connell
Mockingbird Ln

Applicant - 3 Pelican Lane	**Fact-checking**
Pumps are "special", "unique" [from Germany] and need more space than standard pumps. (all meetings)	Badu manufacturer tech data: "**compact system", 4'H more than sufficient** for pumps and cover.
	Public submitted data at August meeting. See Slides 1-2
Does not want to place pump house on back *[NW]* corner of house because it is made of plywood. (Jan, Feb, May, July)	Flagler Co Property Appraiser website shows house **footprint as concrete/stucco with masonry** frame. No back porch is indicated.
	Public submitted data at February meeting. Slides 3-4
Pump house needed for **pumps "90% of the time**, 10% of the time needed for outdoor furniture storage" (July)	**Minimum relief** with condition of 4' height for pump house/cover was **granted**.
Pump house has **grown from 72 sf** (Feb) **to 96 sf** (July, Sept)	The pump house is essentially the size of a **house addition, proposed within 2 1/2 feet of property line, street side**. Non-conforming with neighborhood character or safe sightlines.
"Runoff issues have been settled with County Attorney" (Aug)	**Mr. Moylan did not** indicate that he **concurred** with this statement.
	Existing downspouts extend beyond Royer **property. No plan for excess lot coverage.** Public submitted **photo at February meeting. Slide 5**
"Restrictive covenants require 4' [*maximum]* on property line for fences/walls." (May, Aug)	**Correct. Public submitted recorded data at January meeting. Slide 6**
If road was properly platted, the road/ROW would be much closer to my property line [*than existing pavement]* . (Aug)	Correct. **Renderings not drawn to scale or reality**. Street/pool setback required 25'. Variance of 22.34' due to **oversized pump house. Slide 7**



Slide 1

Badu Jet Stream II pump system, per Speck Pumps (German manufacturer)

Height less than 4’

Badu Jet Stream Package D system (per Applicant's youtube link)

Safe Search | Flagler County | Politics Chat, | qPublic.net - | Public Comm | Microsoft Out | Microsoft Out | Microsoft Out | Badu Stream

file:///C:/Users/Jackie/OneDrive/Flagler/Final%20Variance%20%232%20presentation/Badu%20Stream%20plumbing%20photo.pdf

Badu Stream plumbing photo.pdf — 1 / 1 — 75%



1

Plumbing installation for the BaduStream ***Package D (system include three jet housings & two pumps)***

*NOTE: **(Three Jet Installation)** Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

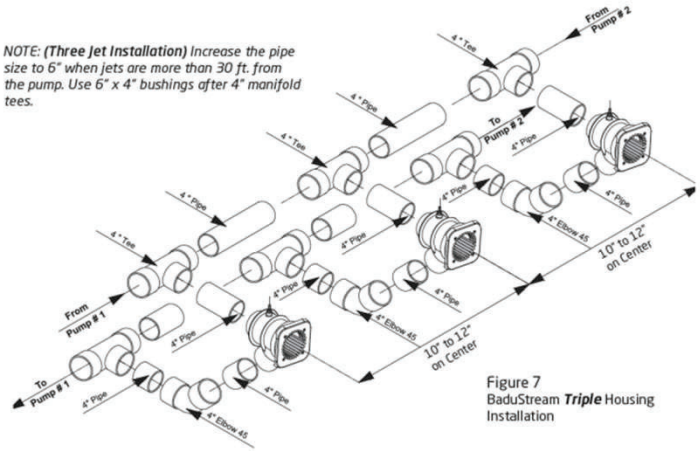


Figure 7
BaduStream ***Triple*** Housing Installation

*IMPORTANT NOTE: **CHECK VALVES MUST BE** used on the discharge side of each pump. Minimum 4" pipe between pump and BaduStream plumbing manifold.*

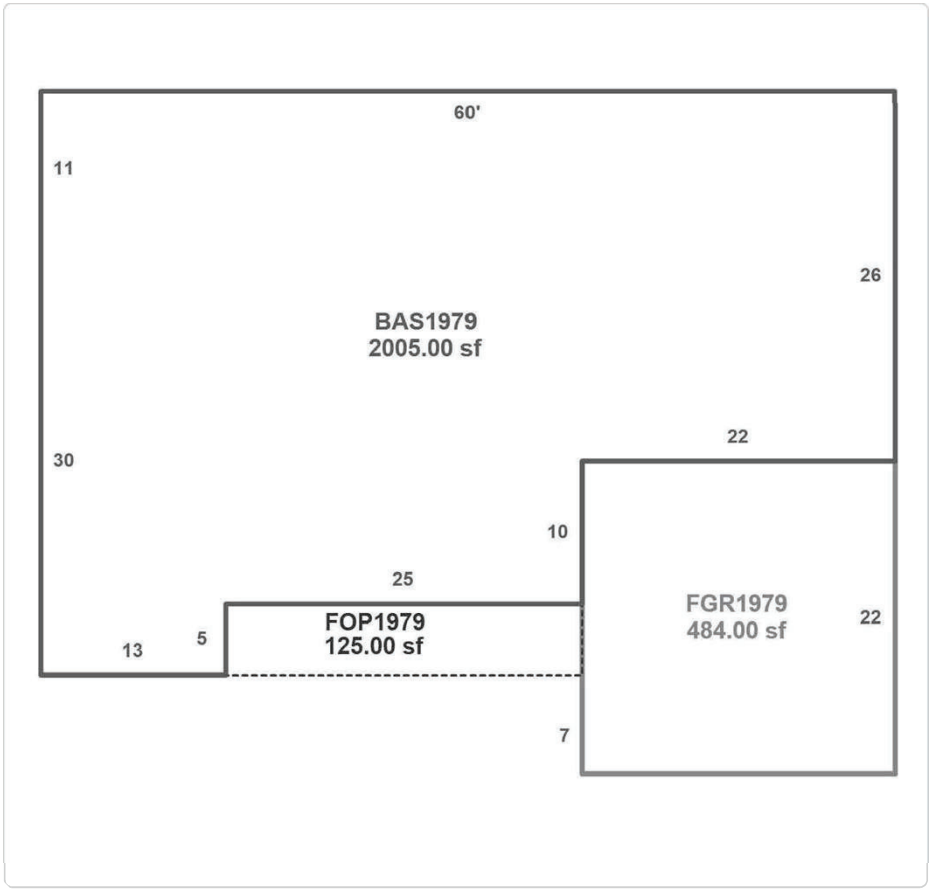
sample photos





Figure 8

Slide 3



3 Pelican Ln

FOOTPRINT and WALLS – NO back porch (or plywood) indicated

Source: Flagler Co. Property Appraisers Office

Building Area Types

Type	Description	Sq. Footage	Act Year
BAS	BASE AREA	2,005	1979
FGR	F GARAGE	484	1979
FOP	F OPN PRCH	125	1979

Slide 4

Owner Information

Primary Owner
Royer Raymond R Jr & Janice L
Paxson
3 Pelican Lane
Flagler Beach, FL 32136

Parcel Summary

Parcel ID	23-11-31-5300-00000-0130
Prop ID	72186
Location Address	3 PELICAN LN FLAGLER BEACH, FL 32136
Brief Tax Description*	RIVER BEACH SUBD LOT 13 & S 8' OF LOT 16 OR 98 PG 436 OR 117 PG 673 OR 282 PG 842 OR 446 PG 1875 OR 607 PG 593 OR 989 PG 468 OR 1349 PG 424 OR 1637 PG 1824-CD OR 1664/1311-CT OR 1684/843 OR 2123/1590 OR 2231/845 (Note: *The Description above is not to be used on legal documents.)
Property Use Code	SINGLE FAMILY (000100)
Tax District	UNINCORPORATED AREA WITH MOSQUITO CONTROL (District 1)
Millage Rate	14.1324
Homestead	Y
GIS sqft	7,499.556

View Map

Residential Buildings

Building	1
Type	SINGLE FAM
Total Area	2614
Heated Area	2005
Exterior Walls	CON.STUCCO
Roof Cover	ASP/COM SH
Interior Walls	DRYWALL
Frame Type	MASONRY
Floor Cover	CERA/CLAY; HARDWOOD
Heat	FO AIR DCT
Air Conditioning	CENTRAL
Bedrooms	3
Bathrooms	2
Actual Year Built	1979
Effective Year Built	2009

Sketches

Exterior Walls: Con/Stucco
Frame: Masonry

Slide 5 – Backyard 3 Pelican



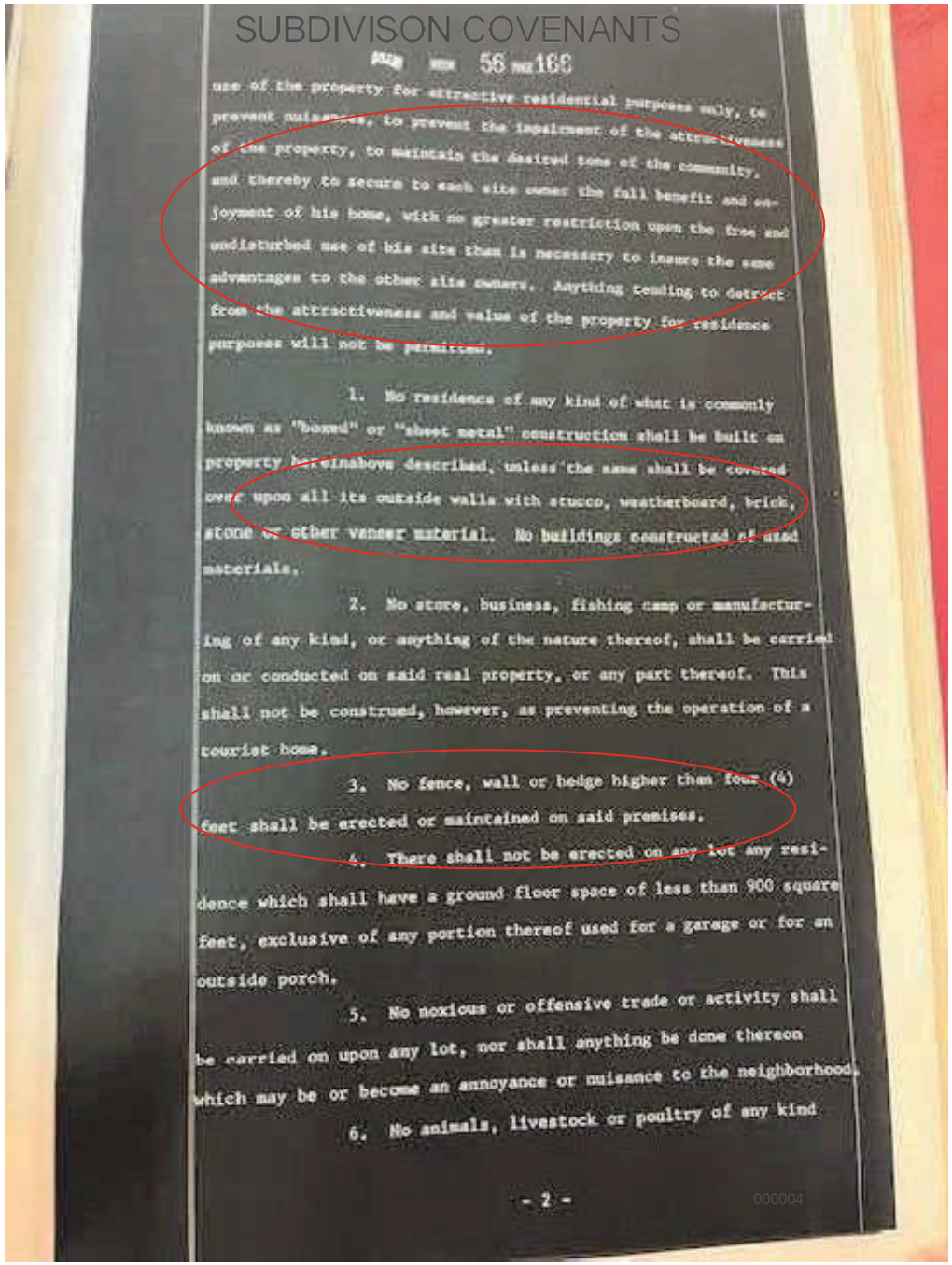
Property markers placed by Applicant

Existing downspouts extend onto adjacent property.

Impervious pool deck will extend to west property line.

Adding large pool/pump house, beyond minimum needed, will worsen runoff onto Pelican and Mockingbird.

Recorded Covenants



SUBDIVISON COVENANTS

Bk. 56 Pg. 166

use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, to maintain the desired tone of the community, and thereby to secure to each site owner the full benefit and enjoyment of his home, with no greater restriction upon the free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners. Anything tending to detract from the attractiveness and value of the property for residence purposes will not be permitted.

1. No residence of any kind of what is commonly known as "boxed" or "sheet metal" construction shall be built on property hereinabove described, unless the same shall be covered over upon all its outside walls with stucco, weatherboard, brick, stone or other veneer material. No buildings constructed of used materials.

2. No store, business, fishing camp or manufacturing of any kind, or anything of the nature thereof, shall be carried on or conducted on said real property, or any part thereof. This shall not be construed, however, as preventing the operation of a tourist home.

3. No fence, wall or hedge higher than four (4) feet shall be erected or maintained on said premises.

4. There shall not be erected on any lot any residence which shall have a ground floor space of less than 900 square feet, exclusive of any portion thereof used for a garage or for an outside porch.

5. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. No animals, livestock or poultry of any kind

- 2 -

000004

River Beach Covenants

- "maintain the tone of the community"
- "not detract…from value"
- Limit fence height to 4' [property lines]

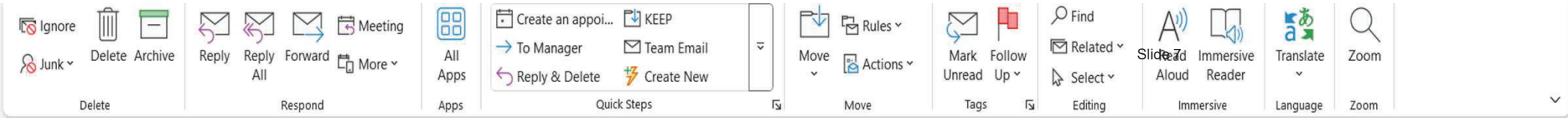
Applicant's artist drawing:
"computer-generated, not to scale"



Actual photo taken from street level.
Mockup of impaired sightlines, extending to 2.5' of property line.



Required street side setback 25'
Variance requested 22'+, for oversized pump house.



Slide 7

Variances within River Beach subdivision

AM

Adam Mengel, AICP, LEED AP BD+C <amengel@flaglercounty.gov>
To Jackie OConnell
Cc PublicRecords; Simone Kenny, AICP

Reply | Reply All | Forward | ...

Fri 7/18/2025 4:20 PM

This message has been replied to or forwarded.

Hi Ms. O'Connell:

I checked Department records for variances within River Beach using the following search terms:

- "23-11-31-5300"
- "Cardinal"
- "Mockingbird"
- "Pelican"
- "River Beach"

No files were found other than the variance files associated with Mr. Royer's request at 3 Pelican Lane.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: amengel@flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

Email from Mr. Mengel – no variances in River Beach subdivision.

Two new houses and two new pools since 2017 – undersized lots, no variances.

Owners value the neighborhood character.

From:	George Benoit
To:	Simone Kenny, AICP
Cc:	O"Connell Daniel & Jacqueline; Hare Robert & Natalie; Ayer Sari; Lane Terri
Subject:	Objection to Royer Variance Request
Date:	Sunday, September 7, 2025 2:00:57 PM
Attachments:	3 Pelican Ray-GEB 2.pdf

George

September 6, 2025

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance. I had provided the attached letter and photos for previous hearings on this matter.

Sincerely,

George E Benoit

17 Pelican Lane &
6 Driftway Terrace
Flagler Beach, FL 32136

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George C Benoit

George E. Benoit

STOP





From: Teresa Lane
To: Simone Kenny, AICP
Subject: Project No. 2025050042-AR 5689 Variance
Date: Monday, September 8, 2025 8:22:09 AM

September 8, 2025

Flagler County Planning and Development
1768 E. Moody Blvd. Bldg. 2
Bunnell. Fl 32110

Dear Sirs;

The residents of 6 Cardinal Lane, in the River Beach Subdivision, are against the passing of the variance requested by Mr. Royer. We are concerned that his project will cause more deterioration of our roads, due to improper drainage.
We feel that granting this variance will entitle all other homeowners the same consideration.
We realize that Mr. Royer has been very persistent with his request for the variance and this has continued for many months. We ask that you please not approve this variance just to bring an end to his request.

Sincerely,

Theresa Lane
386-517-8731
Sari Ayer
386-793-4166

Sent from my iPhone

Adam Mengel, AICP, LEED AP BD+C

From: rental POC, Nan <[redacted]gmail.com>
Sent: Monday, September 8, 2025 9:02 AM
To: Planning Dept; Jackie OConnell
Subject: Sep 9 Planning Board Mtg, proj# 2025080063- 3 Pelican Lane
Attachments: Scanned Document.pdf

Pls vote NO and see my attached comments

From:	Jajlo
To:	Simone Kenny, AICP; Jeff Rizk ICE
Subject:	Project No. 2025050042-AR5689 Variance in the Residential/Limited Commercial District.
Date:	Monday, September 8, 2025 9:50:14 AM
Attachments:	To Flagler County Planning and Development.docx

Please read attached letter.
Thank you,
Dawn Harris

To: Flagler County Planning and Development

1468E Moody Blvd

Bldg 2

Bunnell Fl 32110

Project No. 2025050042-AR5689 Variance in the residential/limited commercial district.

Dear Sir/Ma'am,

The residents at 3 Cardinal Ln in the River Beach Subdivision are against the passing of the variance requested by Mr. Royer. We are concerned about this project causing further damage to our roads and this will set precedence for future homeowners to do the same thing. We know Ray Royer has been very persistent in trying to get his variance, but we ask that you do not approve this variance.

On a personal note, I grew up in this neighborhood and most of the homes were built by my great uncle Charles "Red" Bourland, who was also the mayor of Flagler Beach back in the 80' s. My goal is to keep the integrity of our neighborhood as was set down by my family.

Thank you,

Dawn Harris

5867385237

Jeff Rizk

5865562279

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Monday, September 8, 2025 1:43 PM
To: Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: Objection to Royer Variance Request
Attachments: 3 Pelican Ray-GEB 2.pdf

Good afternoon Planning and Development Board members:

Please see below and attached regarding Item No. 10 on tomorrow's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,

Adam

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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From: George Benoit <[redacted]icloud.com>
Sent: Sunday, September 7, 2025 2:00 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: O'Connell Daniel & Jacqueline <[redacted]yahoo.com>; Hare Robert & Natalie <[redacted]bellsouth.net>; Ayer Sari <[redacted]bellsouth.net>; Lane Terri <[redacted]bellsouth.net>
Subject: Objection to Royer Variance Request

George

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Monday, September 8, 2025 2:00 PM
To: [redacted]ptd.net
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: Objection to Royer Variance Request
Attachments: 3 Pelican Ray-GEB 2.pdf

Mr. Royer,

Please see below and attached regarding your item on tomorrow's Planning and Development Board regular meeting agenda.

Best,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

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Sent: Monday, September 8, 2025 1:43 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Chuck Merenda <[redacted]flaglercounty.gov>
Subject: FW: Objection to Royer Variance Request

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Subject: Objection to Royer Variance Request

George

September 6, 2025

Flagler County Planning & Development

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George E Benoit

17 Pelican Lane &
6 Driftway Terrace
Flagler Beach, FL 32136

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit

STOP





Adam Mengel, AICP, LEED AP BD+C

From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, September 8, 2025 2:40 PM
To: Planning Dept; Simone Kenny, AICP
Subject: 3 Pelican Variance Sept hearing
Attachments: Installation Manual - BaduStream II ENG.pdf

Attached is email correspondence with Badu Customer Service Manager confirming pumps would not be impacted by 4 foot height limit on the pump house. This was submitted last month but would like it to be included again.
Please include in public record and send to the board
Thank You

Begin forwarded message:

> **From:** Chris Calise <c.[redacted]speck-pumps.com>
> **Date:** August 11, 2025 at 11:49:28 AM EDT
> **To:** Dan OConnell <[redacted]yahoo.com>
> **Subject: RE: Test - requirements**
>
> That's correct,
>
> Very important, the 4" check valves will need to be installed on top of the discharge side of each pump.
>
> Chris Calise
> Customer Service Manager
>
> Speck Pumps · 8125 Bayberry Road · Jacksonville, FL 32256 · USA
> Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261
> E-mail: c.[redacted]speck-pumps.com | Website: www.speck-pumps.com
> Download Page for Brochures & Manuals: Click Here
> Download the 2025 Catalog here: English Version & Spanish Version
>
> -----Original Message-----
> From: Dan OConnell <[redacted]yahoo.com>
> Sent: Monday, August 11, 2025 11:34 AM
> To: Chris Calise <c.[redacted]speck-pumps.com>
> Subject:
>
> Thanks. Just to confirm the pipes coming out of the pump would be less than a total of 4 feet including pump so the height of the pump house doesn't need to be higher than 4 feet correct?
>
> Dan

Sent from my iPhone

On Aug 11, 2025, at 11:24 AM, Chris Calise <c.[redacted]speck-pumps.com> wrote:

Hi Dan,

Brochure attached with measurements. Also attached a couple of install pictures for the (2) 21-80/33GS pumps. Any questions let us know.

Thanks

Chris Calise

Customer Service Manager

Speck Pumps • 8125 Bayberry Road • Jacksonville, FL 32256 • USA

Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261

E-mail: c.[redacted]speck-pumps.com | Website: www.speck-pumps.com

Download Page for Brochures & Manuals: Click Here Download the 2025 Catalog here: English Version & Spanish Version

-----Original Message-----

From: Dan OConnell <[redacted]yahoo.com>

Sent: Monday, August 11, 2025 11:19 AM

To: Chris Calise <c.[redacted]speck-pumps.com>

Chris to confirm the Jet Stream Package D with 3 jets and 2 pumps only requires a pad less than 4 feet and the height required is less than 3 feet

Thanks

Dan OConnell

Sent from my iPhone

_____

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<Cut sheet - Model 21-80 G GS.pdf>

<Check Valve Install -1.jpg>

<Check Valve Install -4.jpg>

_____

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From:	Dan OConnell
To:	Planning Dept; Simone Kenny, AICP
Subject:	3 Pelican Variance Sept hearing
Date:	Monday, September 8, 2025 2:42:28 PM
Attachments:	Installation Manual - BaduStream II ENG.pdf

Attached is email correspondence with Badu Customer Service Manager confirming pumps would not be impacted by 4 foot height limit on the pump house. This was submitted last month but would like it to be included again.
Please include in public record and send to the board
Thank You

Begin forwarded message:

From: Chris Calise <c[redacted]speck-pumps.com>
Date: August 11, 2025 at 11:49:28 AM EDT
To: Dan OConnell <[redacted]yahoo.com>
Subject: RE: Test - requirements

That's correct,

Very important, the 4" check valves will need to be installed on top of the discharge side of each pump.

Chris Calise
Customer Service Manager

Speck Pumps · 8125 Bayberry Road · Jacksonville, FL 32256 · USA
Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261
E-mail: c[redacted]speck-pumps.com | Website: www.speck-pumps.com
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-----Original Message-----
From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, August 11, 2025 11:34 AM
To: Chris Calise <c[redacted]speck-pumps.com>
Subject:

Thanks. Just to confirm the pipes coming out of the pump would be less than a total of 4 feet including pump so the height of the pump house doesn't need to be higher than 4 feet correct?

Dan

Sent from my iPhone

On Aug 11, 2025, at 11:24 AM, Chris Calise <c[redacted]speck-pumps.com> wrote:

Hi Dan,

Brochure attached with measurements. Also attached a couple of install pictures for the (2) 21-80/33GS pumps. Any questions let us know.

Thanks

Chris Calise

Customer Service Manager

Speck Pumps • 8125 Bayberry Road • Jacksonville, FL 32256 • USA

Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax:

904-737-5261

E-mail: c[redacted]speck-pumps.com | Website: www.speck-pumps.com

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-----Original Message-----

From: Dan OConnell <[redacted]yahoo.com>

Sent: Monday, August 11, 2025 11:19 AM

To: Chris Calise <c[redacted]speck-pumps.com>

Chris to confirm the Jet Stream Package D with 3 jets and 2 pumps only

requires a pad less than 4 feet and the height required is less than 3

feet

Thanks

Dan OConnell

Sent from my iPhone

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From:	Jan
To:	Simone Kenny, AICP; Adam Mengel, AICP, LEED AP BD+C
Subject:	Request for Fair Review Application # 2025080063 of Pool House/Pump House/Shed Project
Date:	Tuesday, September 9, 2025 12:36:25 AM

Dear Simone,

I am writing this letter as the homeowner. My husband, Raymond Royer, has been submitting and presenting applications to the county since February 2025. He has attended the TRC meetings prior to each application, asked questions, and sought guidance every step of the way — and yet we are still at a dead end.

Our project includes a small pool and a pool house/pump house/shed designed to be 9'7" high. The county's suggestion that we should use a 4-foot high shed is not practical or realistic. The structure must allow someone to stand inside to properly service the pool motor and to store patio furniture and equipment during storms. Our design is professional, aesthetically matches our home, and fully complies.

Instead of focusing on the facts and zoning requirements, we have been subjected to months of irrelevant and baseless objections from a small group of neighbors, two of which do not even reside in our community full-time. These property owners have been the most vocal about our project, even though it does not directly affect their property or rights as owners. Their objections are nothing more than ridiculous guessing and misunderstandings. To suggest we "swim in the ocean," "throw patio furniture into the pool," or that the pool house could somehow become living quarters or an Airbnb has no basis in reality.

One neighbor even claimed our professional renderings are "just computer-generated pictures" instead of recognizing that they were created to county specifications. This same neighbor went so far as to take a photo of our home and use a marker tool to draw their own version of what they thought we were requesting. That type of misrepresentation is absurd and misleading.

We have always spoken with our neighbors cordially and have acted in good faith throughout this process, following every rule, request, and requirement from the county. The truth is that some neighbors are using unrelated disputes — like our private roadway disagreements — to stir up conflict and delay our project.

It is our request that the county:

1. Disregard irrelevant, speculative, and inaccurate objections that are not tied to this project or zoning requirements.
2. Recognize that our project meets county requirements and is designed responsibly.
3. Provide a fair and timely resolution so we can move forward without further hardship.

This situation has cost us significant personal time, reapplication fees, rendering design expenses, and repeated document submissions. It has also caused unnecessary stress and division in the community.

We expect and request a fair decision in this matter, and we ask that the county reciprocate the good faith we have shown throughout this process by providing a timely and reasonable resolution.

The pool house/pump house/shed dimensions are well under the county's maximum allowance of 12 feet in height, and our project fully complies with the applicable standards.

Thank you for your attention and for moving this forward based on facts and requirements, not speculation.

Sincerely,

Jan Paxson

3 Pelican Lane

Adam Mengel, AICP, LEED AP BD+C

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 9:15 AM
To: Simone Kenny, AICP; Planning Dept
Subject: Runoff 3 Pelican for Public Record and PDB
Attachments: 3 Pelican runoff after rainstorm.jpeg

This is a photo of the runoff in front of 3 Pelican taken after the rainstorm night before last (~7pm Sept 7, Sunday). The water runoff will be worse when the impervious pool deck and (possible) large pump house are built. Unless Mr. Royer intends to redirect hi**s existing front downspouts across his front lawn** toward Pelican**,** a **similar issue** will be created on Mockingbird when the **existing front side** downspouts are redirected to Mockingbird**.** And when Mr. Royer's **existing downspouts on back corner of his house are removed off adjacent property*** which is not owned by Mr. Royer **and redirected to Mockingbird**, it will be an **even worse issue** on Mockingbird.

When we get 12-15" rain during a hurricane followed by high tides, the neighborhood streets are going to have a real problem. This is why **we've requested the 3 Pelican variance plan address how runoff will be mitigated and/or kept on Royer property**.

***** photo showing Royer backyard downspouts extending beyond his property line was previously submitted

Thank you,

Jackie O'Connell
[redacted]yahoo.com
336.512.9671 mobile



Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 9:46 AM
To: [redacted]ptd.net
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: 3 Pelican Variance Sept hearing
Attachments: Installation Manual - BaduStream II ENG.pdf

Mr. Royer,

Please see below and attached regarding your item on tomorrow's Planning and Development Board regular meeting agenda.

Best,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 9:46 AM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Chuck Merenda <[redacted]flaglercounty.gov>
Subject: FW: 3 Pelican Variance Sept hearing

Please see below and attached regarding Item No. 10 on tomorrow's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

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From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, September 8, 2025 2:40 PM
To: Planning Dept <[redacted]flaglercounty.gov>; Simone Kenny, AICP <[redacted]flaglercounty.gov>
Subject: 3 Pelican Variance Sept hearing

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> **Date:** August 11, 2025 at 11:49:28 AM EDT
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Chris Calise
Customer Service Manager

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Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261
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> Chris Calise
> Customer Service Manager
> Speck Pumps • 8125 Bayberry Road • Jacksonville, FL 32256 • USA
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Dan OConnell

Sent from my iPhone

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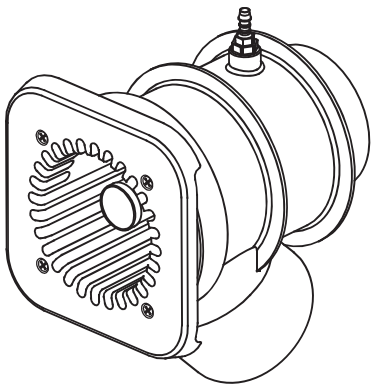
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Badu®Stream //

Counter Swimming Unit



SPECK pumps

Rev. 08/23

Technical Support:

Address: Speck Pumps
8125 Bayberry Road
Jacksonville, FL. 32256
USA

Hours: (Monday - Friday) 8:00 am to 5:00 pm EST
Toll Free: 800-223-8538
Phone: 904-739-2626
Fax: 904-737-5261

Website: usa.speck-pumps.com

Email: technical.usa@speck-pumps.com

Date of Installation:	
Installed by:	
Serial Number:	
For Service Call:	

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This document is subject to change without notice.

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Badu®Stream // Certifications

APSP ANSI/APSP-16

NRTL LISTED MET c US Complies with UL 1563 CSA C22.2 No. 218.1-M89 Swimming Pool Equipment Listing #E212148

UL®

VGBA 2017

1 Important Safety Instructions

WARNING: *Before Installing this product, read and follow all warning notices and instructions which are included. Failure to follow safety warnings and instructions can result in severe injury, death, or property damage. Call (800) 223-8538 or visit www.usa.speck-pumps.com for additional copies of these instructions.*

Swim Jet Combination Fitting - Manufacturers Warnings

MUST BE INSTALLED by an experienced and qualified pool industry professional **ONLY.**

Attention Installer: This manual contains important information about installation, operation, and safe use of this product. This information should be given to the owner and/or operator of this equipment. Most states and local codes regulate the construction, installation and operation of pools and spas. It is important to comply with these codes, many which regulate the installation and use of this product.

1. ***DO NOT*** *locate this fitting in seating areas or on the back rests for such seating areas.*

2. *This fitting should be mounted in the vertical pool wall only per manufacturer's instructions. No modifications to the swimjet are permitted.*

3. *The anti-entrapment cover, when installed, shall not protrude more than 2 in. (51mm) from the finished surface of the pool in which the swimjet is installed.*

4. ***Service Access:*** *The use of adhesives or other attachment methods that prevent access to suction piping or swimjet components is* ***prohibited.***

5. *The anti-entrapment cover must be hand-checked for snugness to the jet housing after installation.*

6. *The anti-entrapment cover and fasteners shall be examined for damage or tampering each operational day.*

7. *Any missing, broken, or cracked fittings must be replaced before using this product. Only genuine Speck replacement parts may be used.*

8. *Acceptable fittings/pipe sizes are listed on page 8 of this manual. No other sizes are permitted.*

9. *Never exceed the maximum flow rate stated on this product.*

10. *The anti-entrapment cover must be in place when using this product.* ***DO NOT*** *use this product if the cover is missing, broken, or loose, and it shall be replaced before bathers are allowed to use the pool.*

11. *The anti-entrapment cover (part# 8) should be replaced within 10 years from installation date.*

12. *Installation requires a Phillips screw driver. Hand tighten only.* ***DO NOT*** *use electrical or air drills.*

13. *Consult your physician before exercising with the Badu®Stream II or using the massage hose.*

14. ***DO NOT*** *permit children to use this product unless they are closely supervised at all times.*

15. ***DO NOT*** *remove any safety alert labels such as* ***DANGER, WARNING,*** *or* ***CAUTION****. Keep safety alert labels in good condition and replace missing or damaged labels.*

Swim Jet Combination Fitting - Manufacturers Warnings - continued

16. *Stay alert, watch what you are doing and use common sense.* ***DO NOT*** *use unit if you are tired and/or exhausted.* ***DO NOT*** *use unit while under the influence of drugs, alcohol, or any medications.*

CAUTION: ***DO NOT*** *increase pump size; this will increase the flow rate through the system and exceed the maximum flow rate stated on this product.*

IMPROPER INSTALLATION OR USE OF THIS PRODUCT MAY PRESENT A RISK OF HAIR OR BODY ENTRAPMENT AND DROWNING. *Install this equipment in accordance with the instructions provided.*

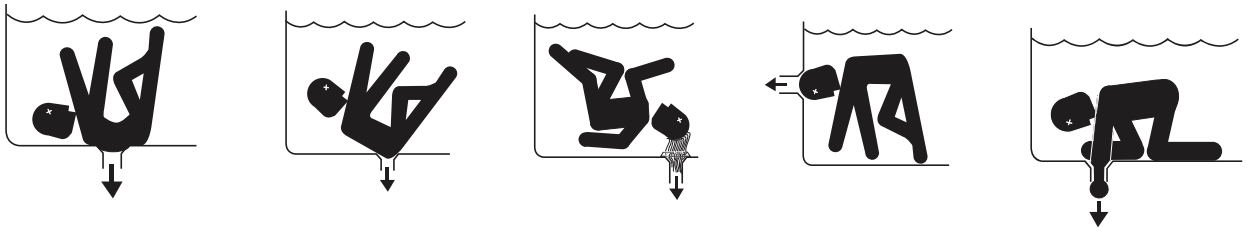
As the manufacturer, Speck Pumps-Pool Products, Inc., hereby certifies that their Swim Jet Combination Fitting meets or exceeds the requirements of the Virginia Graeme Baker Pool & Spa Safety Act, VGBA 2017 and ANSI/ APSP 16 standards and safety regulations as set forth by the Consumer Products Safety Commission.

"Read, and then keep these instructions for future reference"

General Safety Instructions

The following guidelines provide information to minimize the risk of injury to users of pools, spas, and hot tubs.

WARNING: TO REDUCE THE RISK OF ENTRAPMENT HAZARD



Pool and spa pumps produce high levels of suction, which can pose extreme danger if a person comes in close proximity to an open pool or spa drain or if a drain cover is loose, cracked, broken or missing. Pool and spa pumps move large volumes of water, which can pose extreme danger if a person's hair comes in close proximity to a drain that is not the proper size for the pump or pumps.

If not an approved single, unblockable outlet, a minimum of two functioning suction outlets per pump must be installed. Suction outlets in the same plane (i.e. floor or wall) must be installed a minimum of three (3) feet (1 meter) apart, as measured from center point to center point. Dual suction fittings shall not be located on seating areas or on the backrest for such seating areas. If any suction outlets are located closer they shall be located on two different planes (i.e. one on the bottom and one on the vertical wall, or one each on two separate vertical walls).

WARNING: *Failure to keep suction outlet components clear of debris, such as leaves, dirt, hair, paper and other material can result in an increased potential for suction entrapment.*

If not a single, unblockable outlet, in the event of one suction outlet being completely blocked, the remaining suction outlets serving the system shall have a flow rating capable of the full flow of the pump(s) or the specific suction system. If in doubt about the rating and/or head loss curve of your system, consult a qualified pool or spa professional and/or your respective equipment manufacturer(s). Also, double check with your local building/ health authorities regarding single vs. multiple drain installations, etc.

Regularly inspect all drain covers for cracks, damage and advanced weathering. If a drain cover becomes loose, cracked, damaged, broken or is missing, close the pool or spa immediately, post a notice and keep the pool or spa closed until an appropriate VGBA 2017 certified drain cover is properly installed.

WATER VELOCITY AND FLOW RATES

The maximum water velocity through drain covers is limited by some local regulations, for example some state health departments limit the velocity through public pool drain covers to 1.5 feet per second. This velocity limit is lower than the flow rating provided by the ANSI/APSP 16 certification; therefore local limit applies and must be followed. Never exceed the flow rating listed on the cover even if local code does not provide a velocity limit.

For additional information on proper installation refer to The Association of Pool & Spa Professionals ANSI/APSP-7 Standard and the US Consumer Product Safety Commission Guidelines for Entrapment Hazard.

VGB Compliance - VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT

The Virginia Graeme Baker Pool and Spa Safety Act raises certain new requirements on owners and operators of swimming pools and spas.

Pools or spas constructed on or after December 19, 2008, shall utilize:

(A) No submerged suction outlets, a gravity drainage system with ANSI/APSP compliant cover(s), one or more unblockable outlets; or
(B) A multiple main drain system without isolation capability with suction outlet covers that meet ANSI/APSP 16 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs and either:
    (i) A safety vacuum release system (SVRS) meeting ASME/ANSI A112.19.17 Manufactured Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub, and Wading Pool Suction Systems and/or ASTM F2387 Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) for Swimming Pools, Spas and Hot Tubs or
    (ii) A properly designed and tested suction-limiting vent system or
    (iii) An automatic pump shut-off system.

Pools and spas constructed prior to December 19, 2008, with a single submerged suction outlet shall use a suction outlet cover that meets ANSI/APSP 16 and either:

(A) A multiple main drain system without isolation capability, or a single (VGBA 2017 compliant) unblockable suction outlet, or
(B) A safety vacuum release system (SVRS) meeting ASME/ANSI A112.19.17 and/or ASTM F2387, or
(C) A properly designed and tested suction-limiting vent system, or
(D) An automatic pump shut-off system, or
(E) Disabled submerged outlets, or
(F) Suction outlets shall be reconfigured into return inlets.

For more information about the Virginia Graeme Baker Pool and Spa Safety Act, contact the Consumer Product Safety Commission at (301) 504-7908 or visit www.cpsc.gov.

WARNING: *Risk of Electrical Shock or Electrocution*



Pool pump must be installed by a licensed or certified electrician or a qualified pool serviceman in accordance with the National Electrical Code and all applicable local codes and ordinances. Improper installation will create an electric hazard which could result in death or serious injury to pool users, installers, or others due to electrical shock, and may also cause damage to property.

Always disconnect power to the pool pump at the circuit breaker before servicing the pump. *Failure to do so could result in death or serious injury to serviceman, pool users, or others due to electric shock.*

2 General Description

General Description

The BaduStream *II* SwimJet Systems from Speck Pumps are designed to be installed during the construction of your pool to create a water treadmill for anyone wanting a therapeutic and effective exercise.

The BaduStream *II* can be installed in any type of pool, large or small, from gunite to vinyl liner. It has no protruding parts ensuring pool user's safety, is very compact and installs at minimal cost. The self-contained, flush-mounted unit is a jet-propulsion system that pumps water into the pool creating a current in excess of 5,700 gallons per minute from a single recessed jet housing. Topping off the experience is the pulsating massage hose which can be attached to the jet nozzles for easy and convenient massage treatments for joints and muscles. *(NOTE: The massage hose is sold separately.)*

3 Installation Information

Planning

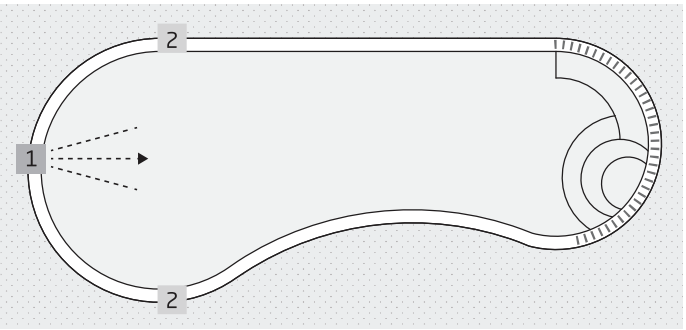
The BaduStream II is normally incorporated into the original pool design. However, it can be added to any pool at a later date. The BaduStream II has no protruding parts, ensuring the pool user's safety. It is very compact and installs at minimal cost. The system can be installed in any size pool.

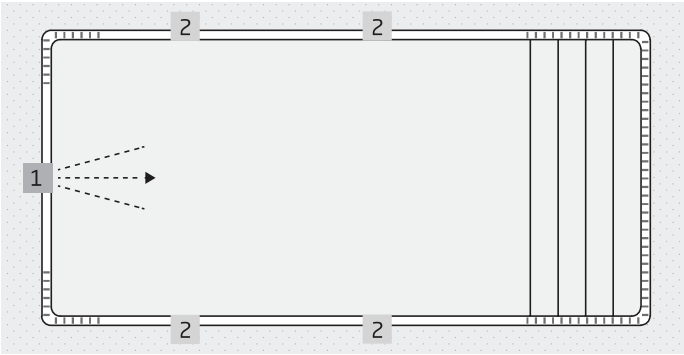
We suggest a minimum pool size of 8 ft wide x 15 ft long x 3 ft deep to work effectively. Most prefer 16 ft. in length or longer. The extra length allows enough length for a swimmer to comfortably drift back and swim up stream.

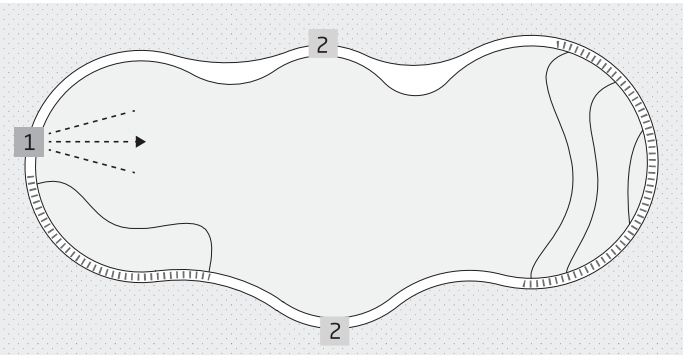
To ensure that there is a clear unobstructed swim lane, it is key to position the swimjets away from surroundings walls, benches, stairs, etc. Obstructions near the swimjets can disrupt the current.

1 Ideal Locations*
2 Alternative Locations*
❚❚ Unfavorable Locations

Here are a few examples:







Reminder: BADU SwimJet Systems require a clear **unobstructed area within the swimming pool that is 8 feet wide x 15 feet long x 3 feet deep to work effectively. This "swimming envelope" allows enough length for a swimmer to comfortably drift back and swim up stream.*

Receiving Information

1. Upon receipt of the swimjet system, check the cartons for damage. Open each carton and check the pump(s), jet housing(s), and control box for concealed damage, such as cracks, dents, or a bent base. If damage is found, contact the shipper or distributor where the swimjet was purchased.

2. Inspect the contents of each carton and verify that all parts are included. *(See Image 1)*

A. Flush-mount jet housing

B. Square, anti-entrapment cover (8 1/4" x 8 1/4") undetectable pump suction. *(Optional Round Cover available)*

C. Adjustable water flow jet nozzle

D. Air regulator adjusts amount of air bubbles in water flow.

E. Control box complete with GFCI and WiFi control module.

F. SPECK Model 21-80/33GS 4.0 HP (or a SPECK Model 72-VI 3.5 HP) self-priming, single phase plastic pump with built-in thermal overload *(no motor starter required)*. Optional three phase pump and control box available. (*NOTE: Flooded suction pump available for installation below water level.)*

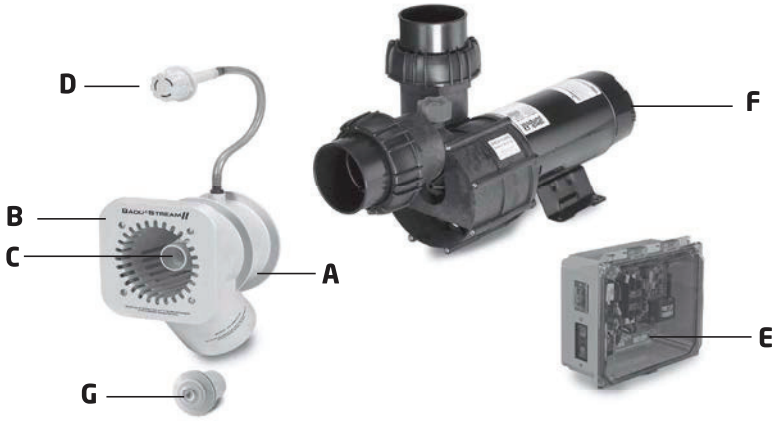


Image 1
BaduStream II System (1 jet & 4 HP pump)

G. System (ON/OFF) LED Push Button - Complete with 1.5" threaded housing fits into any 1.5" return fitting. The push button turns the swimjet system ON/OFF. Waterproof button may be installed below water level.

Plumbing Installation

CAUTION: *The discharge connection is at the center of the back of the jet housing. The suction connection is at the bottom of the jet housing.*

CAUTION: *The suction line should remain below water level from the suction connection at the jet housing to a point directly beneath the pump.*

CAUTION: *The center of the BaduStream jet nozzle(s) must be located 12" **BELOW** the water line for maximum performance and efficiency. The air regulator(s) should be located 3-4" **ABOVE** the water line.*

CAUTION: *In areas with soft soil conditions or with frequent earth movement, a flexible section of 4" hose should be installed at the back of the jet housing to prevent plumbing or jet housing damage.*

CAUTION: *For trouble-free pump priming (up to 4 feet above the water line), first install a 6" long riser in the discharge connection on top of the pump(s). Then install an elbow and lead the discharge line(s) downward to the discharge connection(s) at the BaduStream jet housing(s) (Not required with 3.5 HP pump Model 72). On systems with 3 jet housings and 2 pumps, check valves **MUST** be installed at the discharge connections at each pump.*

CAUTION: *Allow at least 12 hours curing and bonding time. Insufficient curing and bonding times can result in leaks and flooding.*

CAUTION: *Throughout the entire installation, make sure the plumbing connected to the BaduStream jet housing is well supported. Unsupported plumbing **WILL** crack the jet housing.*

CAUTION: ***DO NOT*** *use the pump as a fixed point (support) for the plumbing.*

Plumbing Installation

CAUTION: *When using 6" pipe, install 6" x 4" reducer bushings as close to the jet housing(s) as possible. For systems with 2 or 3 jet housings, install the 6" x 4" reducer bushings as close to the 4" manifold tees as possible. The 6" suction and discharge lines should be run from the jet housing(s) and remain under the water line to a point directly beneath the pump(s). Install 6" elbows at that point. Then run 4" pipe vertically up to the suction and discharge connections of the pump and finish with a 4" elbow.*

- For optimal performance, use 4" plumbing when the total distance between the pump and jet housing is 30 ft or less. The plumbing should be as direct and free from turns or bends as possible because **elbows and other fittings can create large friction losses and reduce the performance of the system. The shortest length of pipe with the minimum number of fittings possible should be used to avoid any significant friction loss due to the pipe and fittings.** *NOTE: Refer to Figure 2 for the BaduStream head loss curve.*

- A maximum of seven (7) 90° elbows may be used with 30 ft of horizontal 4" pipe for the suction line and 30 ft of horizontal pipe for the discharge line without negatively affecting the performance of the system.
  NOTE: This applies to each individual pump used on the system. Refer to Figure 4 for the maximum TDH allowed to achieve recommended flow rates.

- If more elbows are required for the installation, 4" sweeps must be used in place of the elbows. When using sweeps instead of elbows, a maximum of nine (9) 4" sweeps may be used with 30 ft of horizontal 4" pipe for the suction line and 30 ft of horizontal 4" pipe for the discharge line without negatively affecting the performance of the system. *NOTE: This applies to each individual pump used on the system. Refer to Figure 4 for the maximum TDH allowed to achieve recommended flow rates.*

- If the pump(s) cannot be located within 30 ft of the jet housing(s) using the maximum number of 4" elbows or sweeps stated above, then 6" plumbing must be used. For the suction and discharge lines, use 6" plumbing and fittings from the connection at the jet housing (or at the manifolds for two and three jet systems) to a point directly beneath the pump. From that point, install a 6" elbow. Then run 4" pipe vertically up to the suction and discharge connection of the pump and finish with a 4" elbow.

- For two and three jet systems, the jet housings **must be installed as close to 10" center to center as possible for maximum performance. DO NOT install the jet housing more than 12" apart on center.** *(See Figure 1 & 1A)*

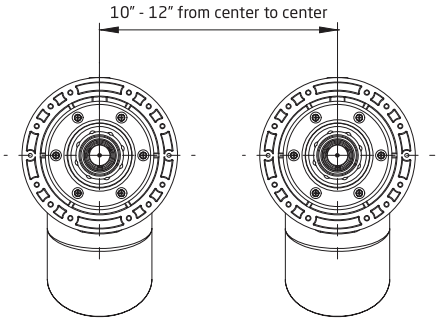


Figure 1
Two Jet (10" - 12" from center to center)



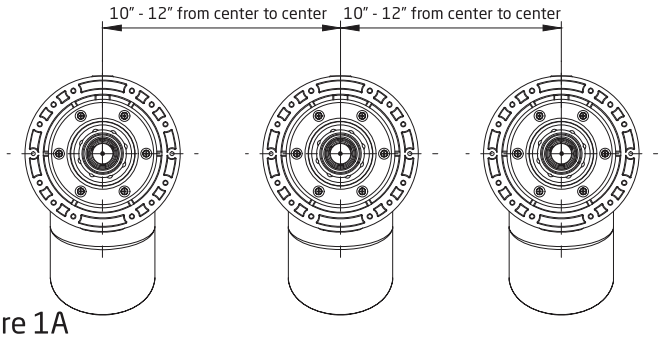
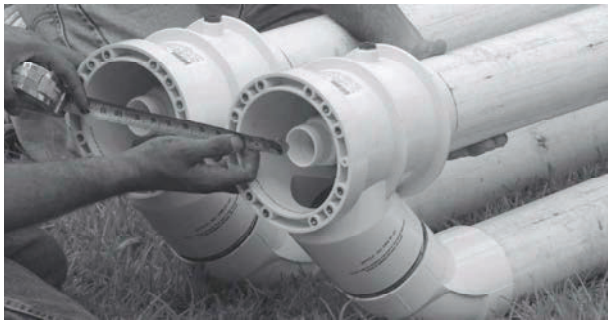


Figure 1A
Three Jet (10" - 12" from center to center)



Plumbing Installation - continued

NOTE: Suction lines which are too long have significant disadvantages:

- Higher resistance which results in less efficient priming and a higher risk of cavitation.
- Longer priming time (up to 12 min).
- Keep the suction and pressure lines as short and straight as possible.
- If the pump is positioned further away, then the pipe dimensioning has to be adapted so that almost loss-free flowing is ensured.

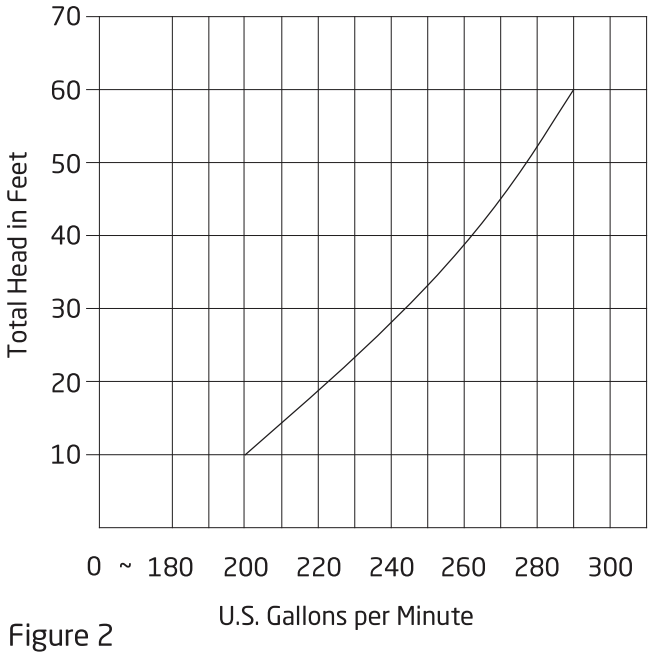


Figure 2
BaduStream II Head Loss Curve *(Single Jet Housing)*

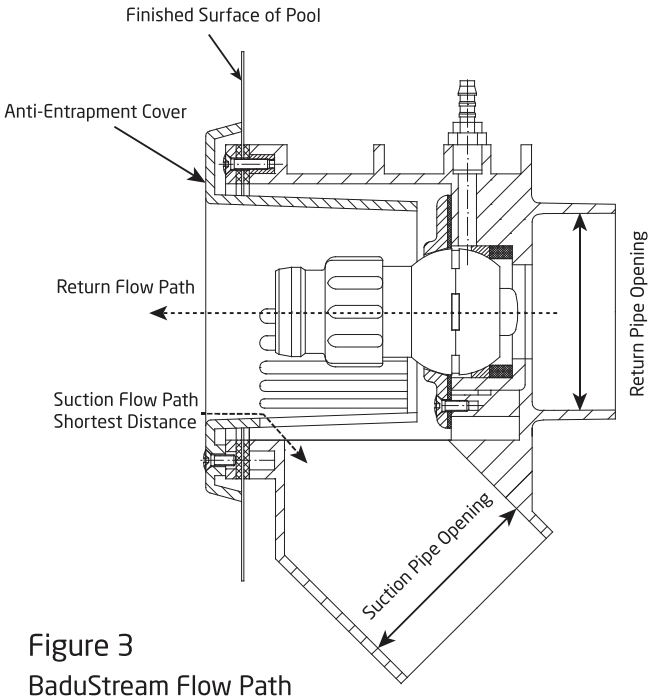


Figure 3
BaduStream Flow Path

NOTE: The BaduStream assembly package contains all necessary parts for the installation of the unit into concrete, gunite, liner or fiberglass pools.

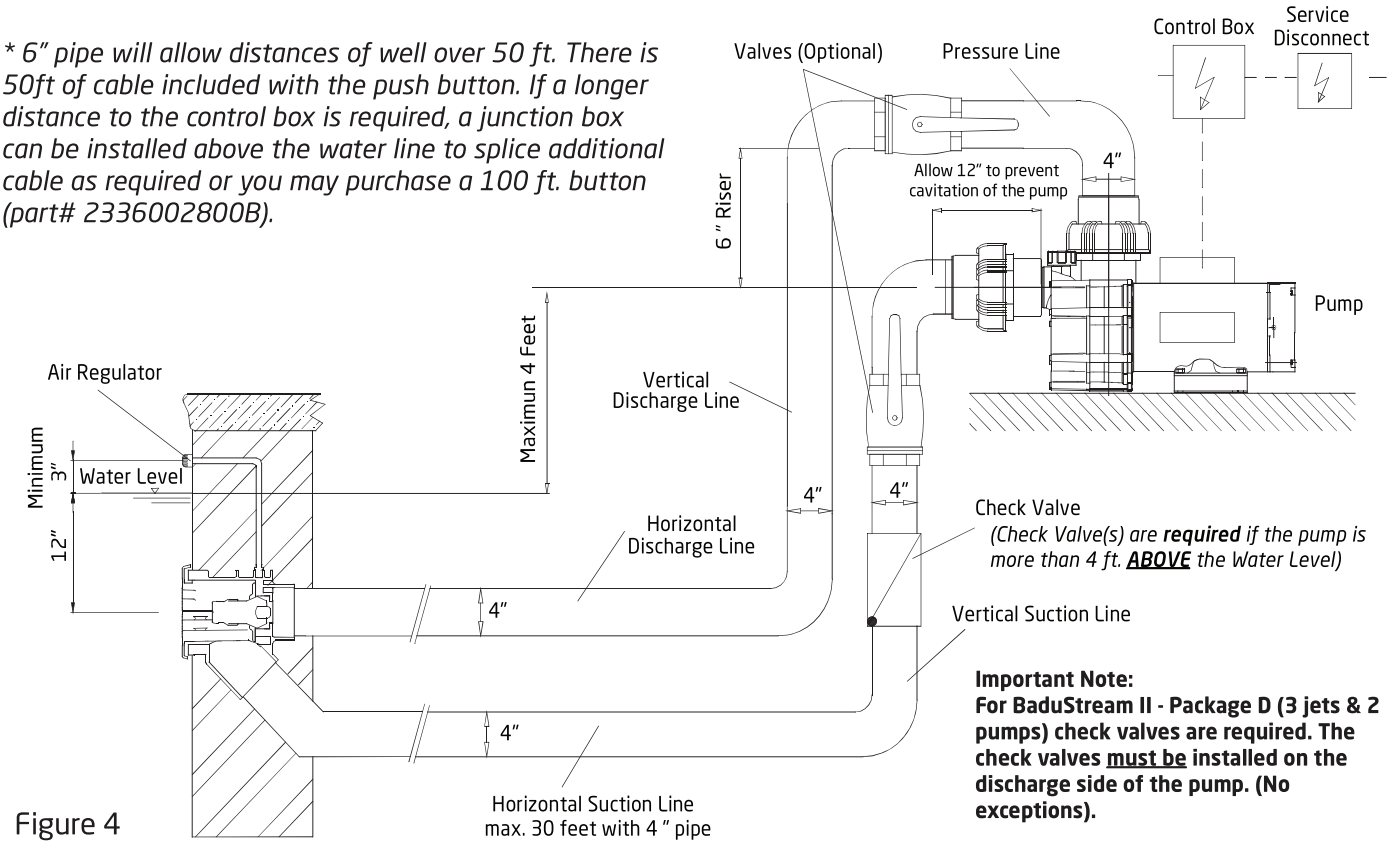
CAUTION: *All necessary screws and bolts included with the BaduStream are stainless steel. ALL screw threads and threaded inserts are METRIC! ONLY METRIC bolts and nuts may be used! The two exceptions are the suction and discharge connections on the BaduStream and pump housing (4" slip connections) and the mounting hardware for the air regulator assembly (1/4 -20 threads). All screws should be HAND TIGHT.* ***DO NOT*** *use drills or pneumatic tools.* ***DO NOT*** *over tighten!*

Plumbing Requirements

BaduStream *II*	Pump	Distance	Pipe Size	Approx. Flow	TDH
Three Jets	(2) 4 HP	10 to 30 ft. up to 50 ft.*	4" 6"	651 GPM 651 GPM	42 ft 42 ft
Two Jets	4 HP	10 to 30 ft. up to 50 ft.*	4" 6"	380 GPM 400 GPM	34 ft 32 ft
One Jet	4 HP	10 to 30 ft. up to 50 ft.*	4" 6"	217 GPM 217 GPM	53 ft 53 ft
One Jet	3 HP	10 to 30 ft. up to 50 ft.*	4" 6"	200 GPM 200 GPM	12 ft 12 ft

Plumbing Installation - continued

** 6" pipe will allow distances of well over 50 ft. There is 50ft of cable included with the push button. If a longer distance to the control box is required, a junction box can be installed above the water line to splice additional cable as required or you may purchase a 100 ft. button (part# 2336002800B).*



Important Note:
For BaduStream II - Package D (3 jets & 2 pumps) check valves are required. The check valves must be installed on the discharge side of the pump. (No exceptions).

Figure 4

NOTE: Valves are recommended when pump is installed below water level (flooded suction applications).

NOTE: To avoid stress on the jet housing, the jet housing and 2 to 3 inches of plumbing stub out may be encased in gunite or concrete.

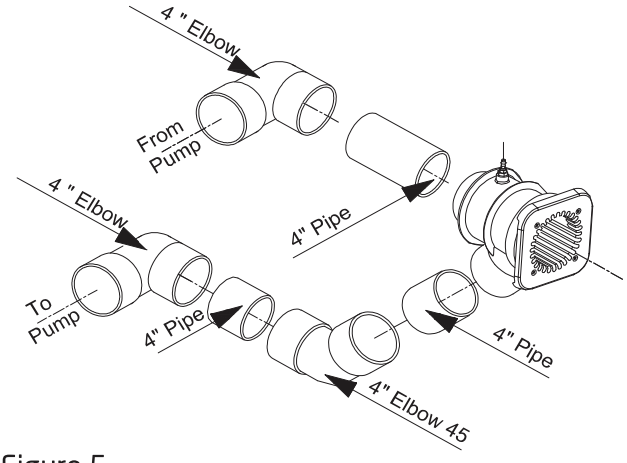


Figure 5
BaduStream ***Single*** Housing Installation



Plumbing Installation - continued

*NOTE: (For **Dual** Jet Installation) Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

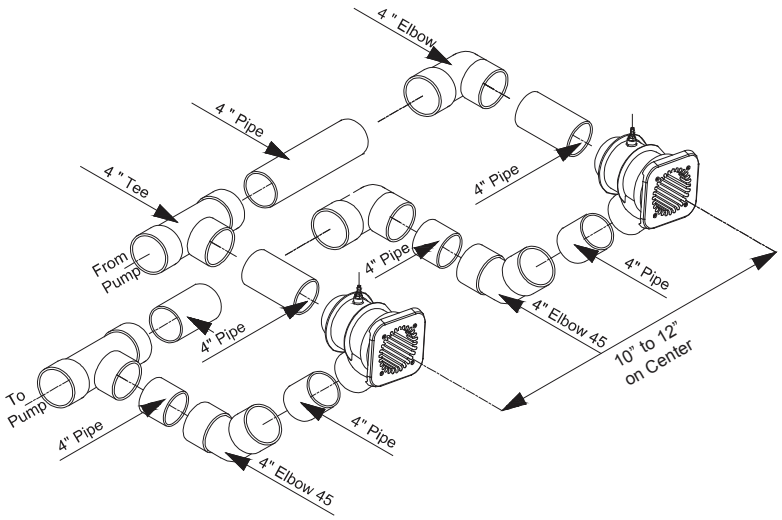




Figure 6
BaduStream ***Dual*** Housing Installation

Plumbing installation for the BaduStream ***Package D (system include three jet housings & two pumps)***

*NOTE: **(Three Jet Installation)** Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

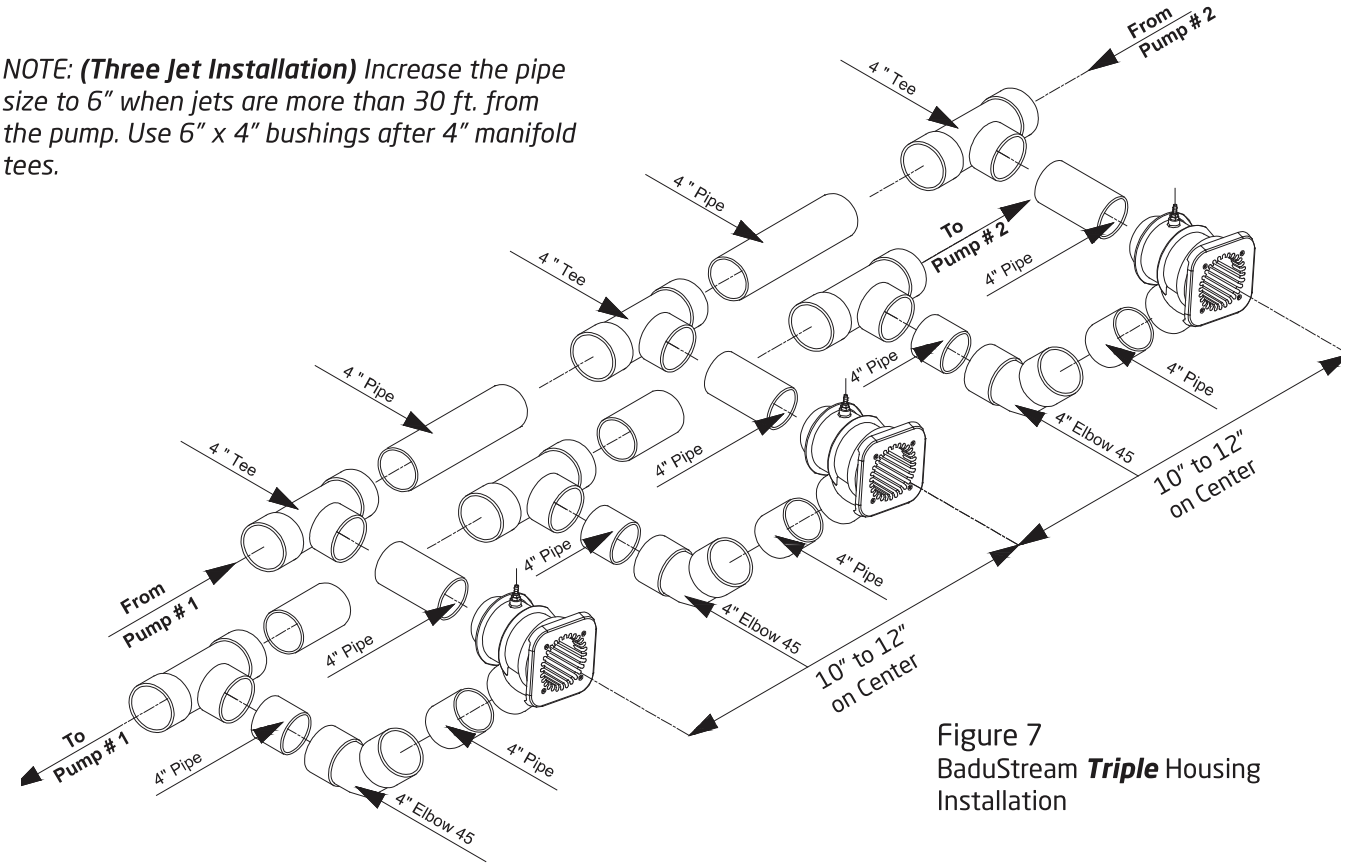


Figure 7
BaduStream ***Triple*** Housing Installation

*IMPORTANT NOTE: **CHECK VALVES <u>MUST BE</u>** used on the discharge side of each pump. Minimum 4" pipe between pump and BaduStream plumbing manifold.*

Plumbing Installation - continued





Figure 8
Check Valves Installed for a Package D (three jet & 2 pump system)

Concrete or Gunite Installation

*NOTE: The following parts **ARE NOT USED IN A GUNITE or CONCRETE INSTALLATION**:*

- Clamping Ring Gasket (*Part #12)*
- 1/4-20 x 1-1/2" Bolt (*Part #18)*
- 1/4-20 Nut (*Part # 19)*
- 1/4" Washer (*Part #20)*
- Air Regulator Gasket 60 x 11 x 2 mm (*Part #21)*
- #14 x 1" Screw (*Part #27)*

1. Pre-plumb BaduStream jet housing(s):

A. Install plumbing manifold (for two and three jet systems) or approximately 12" of 4" SCH 40 pipe (for single jet systems) to both suction and discharge fittings on the jet housing(s). *See Figure 9*

B. Thread one (1) air regulator hose nipple into the top of each jet housing. Secure plastic air regulator hose *(part #15)* to the air regulator hose nipple(s) *(part #14)* using the hose clamp(s) *(part #16)*.

2. Tape the jet housing(s) to keep concrete out of threaded inserts and out of the inside of the housing(s). *See Figure 10.*

3. Place the jet housing(s) between the steel rebar. ***Note: The jet housing location is very important.***

A. Make sure that the air regulator hose nipple *(part #14)* is at the top and center of each jet housing. ***Failure to do so will result in the square cover (part #8) appearing uneven.***

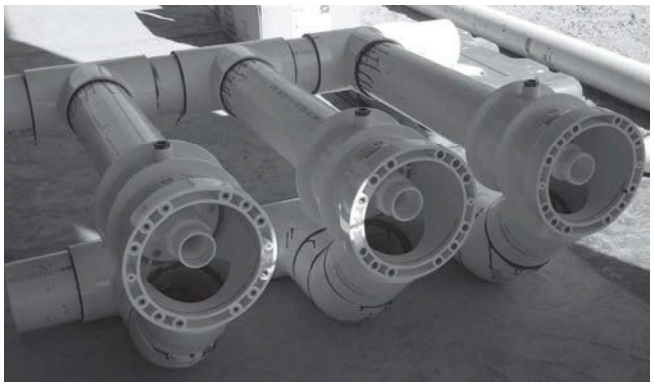


Figure 9
Pre-Plumbed Jet Housings



Figure 10
Taped Jet Housings

Concrete or Gunite Installation

B. The center of each jet housing *(the nozzle)* must be located **12" BELOW** the water line for maximum performance and efficiency.

C. Recheck the location of the jet housing while applying gunite or pouring concrete. Make sure the jet housing remains properly aligned and level.

D. Front edge of each jet housing should finish even with inside finished pool wall. Scrape out a V-shaped groove around the jet housing, approximately 1.5" deep to allow marcite to seal against the jet housing. *See Figure 11.*

E. To avoid stress on the housing, the jet housing and 2 to 3 inches of plumbing stub out may be encased in gunite or concrete. ***Caution:*** *Too much stress on the plumbing may crack the BaduStream II housing.*



Figure 11
V-Shaped Groove in Gunite

4. Install the air regulator. *NOTE: Air regulator location should be 3"- 4"* ***ABOVE*** *the water level.*

A. Thread one (1) air regulator hose nipple *(part #14)* into the back of the air regulator holder *(part #17).* Connect the free end of the plastic air regulator hose to the nipple on the back of the air regulator holder. Secure with a hose clamp *(part #16).*

B. The air regulator can be located in the tile above the water level or in the deck. When tiling the pool, adjust the air regulator location so it is 3"-4" **ABOVE** the water level. Place and set with hydraulic cement. The air regulator holder *(part #17)* should finish flush with the inner pool wall. Drill a 1/2" hole in the tile line even with the center hole of the air regulator holder. Tile over the air regulator holder. ***CAUTION:*** ***DO NOT*** *plug the center hole of the air regulator holder.*

C. Insert the M10 x 80 mm brass screw *(part #24)* through the bottom part of the air regulator *(part #23),* the 42 x 11 x 2 mm and the air regulator gasket *(part #26).* Thread the M10 x 80 mm brass screw into the center of the air regulator holder *(part #17).* Tighten with a flat head screw driver.

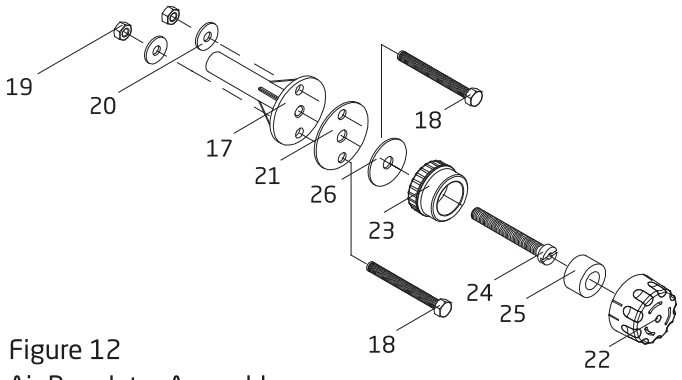


Figure 12
Air Regulator Assembly

D. Install the hose ring *(part #25)* and snap the top part of the air regulator *(part #22)* into place. *See Figure 12 for air regulator assembly.*

5. Keep all parts not being used now in original box. Store in a safe place until needed.

NOTE: An extension ring and longer square cover screws (part #9/5) are available (upon request) for applications where the housing is recessed into the pool wall.

6. Once the concrete or gunite is fully cured and pool wall is completed, install the square cover *(part #8)* using the four (4) M6 x 25mm square cover screws *(part #9/1).*

NOTE: In tile installations, the tile thickness can be compensated for by first installing the clamping ring gasket (part #12) and clamping ring (part #3) before installing the square cover. The clamping ring and clamping ring gasket are installed using the eight (8) clamping ring screws (part #9/2, 9/3, or 9/4).

Concrete or Gunite Installation - continued

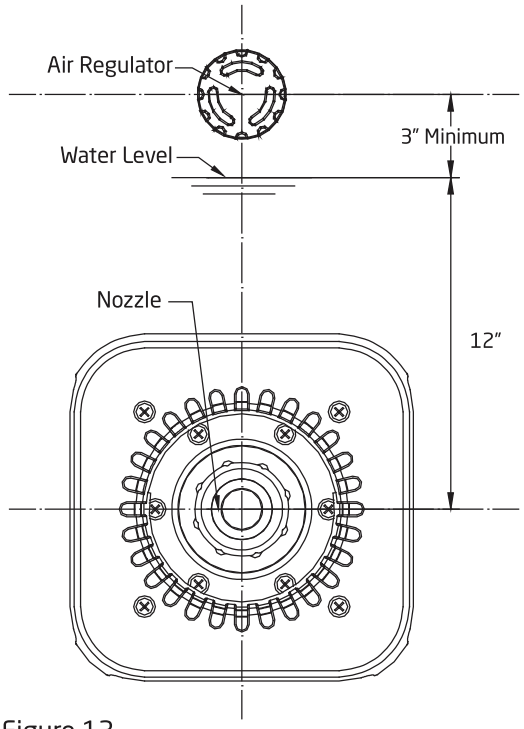


Figure 13
Installation in Concrete or Gunite Pools

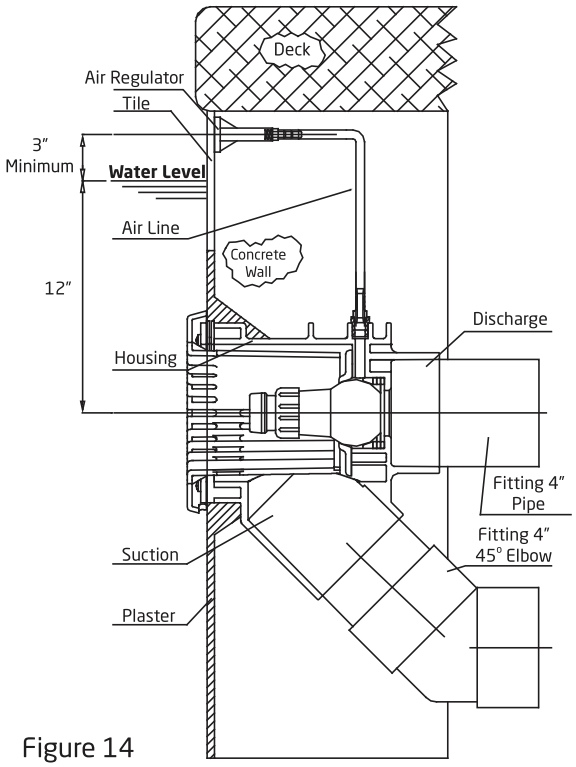


Figure 14
BaduStream in Concrete or Gunite Pool.

Liner and/or Fiberglass Pool Installation

1. Using the clamping ring *(part #3)* as a template, drill holes in the pool wall for installation. The center line of the clamping ring should be 12" **BELOW** the water level *(See Figures 15 & 16).* Two additional holes will need to be drilled at the 3 and 9 o'clock positions for installation of the jet housing *(part #7).* The four brass inserts in the clamping ring should be at the 2, 4, 8 and 10 o'clock positions *(See Figure 15).*

2. Mount the housing *(part #7)* and one clamping ring gasket *(part #12)* on **BEHIND** the pool wall using two (2) #14 x 1" counter sunk screws *(part #27).* Install the screws from the inside of the pool wall through the holes drilled at 3 and 9 o'clock positions. *(See Figure 15)*

3. Install the clamping ring *(part #3)* and a second clamping ring gasket *(part #12)* in **FRONT** of the pool wall using eight (8) M6 screws *(part # 9/2, 9/3, or 9/4).* Screw lengths vary depending on the installation. *NOTE: A good RTV silicone may be used with the gasket when mounting the jet housing, but in most cases is not necessary. Installer should decided whether or not the silicone is necessary.*

NOTE: When installed properly, the center of the housing (part #7) will be 12" **BELOW** the surface of the water and the air regulator hose nipple *(part #14)* will be at the top center of the jet housing.

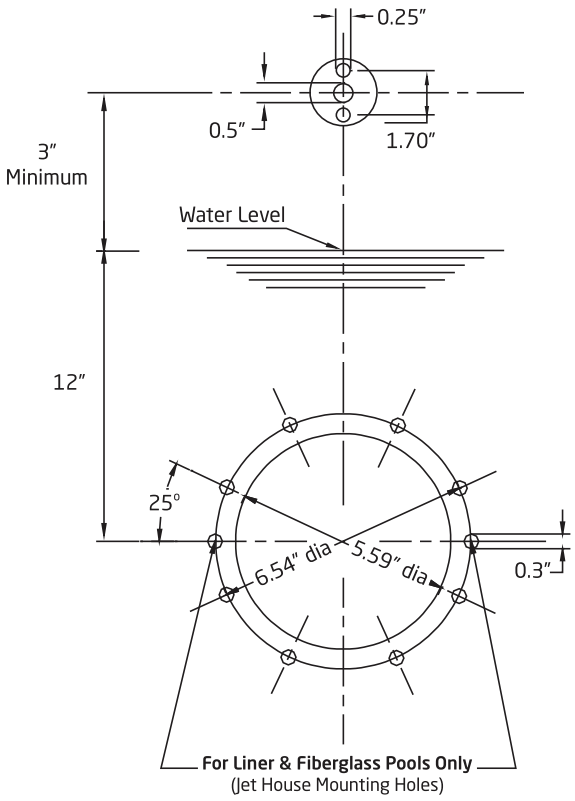


Figure 15
Cutout Pool Wall for BaduStream housing.

Liner and/or Fiberglass Pool Installation - continued

CAUTION: When installing the BaduStream Cover (part #8). Use a Phillips head screw driver and tighten to 1.5 Nm or hand tight. **DO NOT** use electrical or air drills. *(NOTE: The square cover, part #8, will have an uneven appearance if the housing is not installed properly.)*

4. For the air regulator assembly, one 1/2" hole must be provided, preferably along the vertical axis, approximately 3-4" **ABOVE** the water line. *(See Figures 15 & 16)*. Using the 60 x 11 x 2mm air regulator gasket *(part #21)*, mark and drill two 1/4" mounting holes *(See Figure 15).* Use the two (2) 1/4 - 20 air holder screws *(part #18)* and two 1/4-20 air holder nuts *(part #19)* to mount the air regulator holder.

NOTE: Part #18 & Part #21 go in FRONT of the pool wall; Part #19 & Part #17 go BEHIND the pool wall.

5. Keep all parts not being used now in original box. Store in a safe place until needed.

6. Once the pool is complete, install the square cover *(part #8)* using the four (4) square cover screws *(part #9/1).*

For Liner Pools Only: Install the jet housing and air regulator prior to installation or replacement of the pool liner.

For Steel Walled Pools: An optional butterfly gasket *(part #12.1)* maybe purchased to replace the two (2)clamping ring gaskets *(part #12)*. Increase the jet housing hole in Figure 15 from 5.59" to 5.75" for installation.

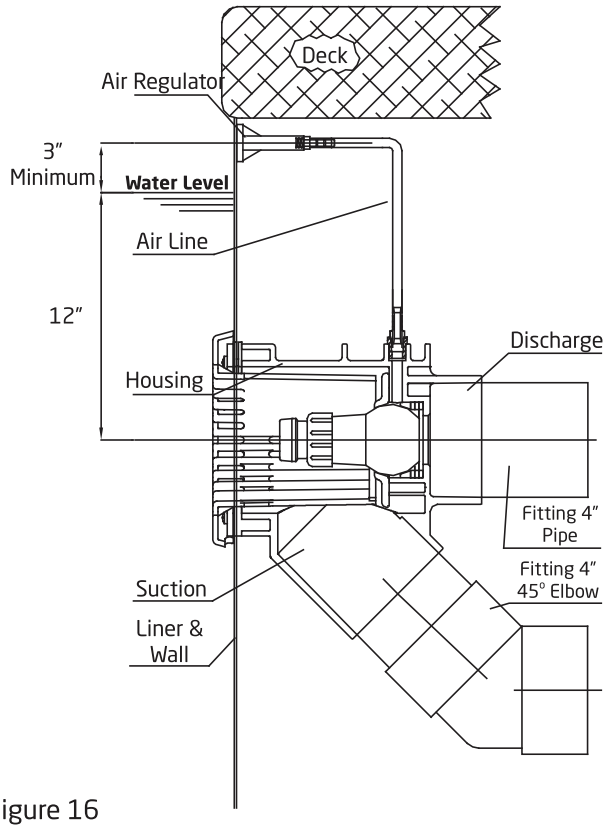


Figure 16
BaduStream in Liner or Fiberglass Pool.

Removal of Liner

When replacing liner or removing liner for repairs; remove the four (4) screws *(part #9/1)* which hold the square cover *(part #8)* to the jet housing. Remove all screws *(part #9/2, 9/3 & 9/4)* except the top two, which hold the clamping ring *(part #3)* and gasket *(part #12)* to the jet housing. Back out the two remaining screws approximately halfway and check for any movement of the jet housing from the wall. *(NOTE: If the two counter sunk screws (part #27) which hold the jet housing to the wall were installed, the jet housing should not move, and the two remaining screws can be removed.)* Remove one of the remaining two screws and slide the clamping ring *(part #3)* to the side. Replace all the screws before removing the last screw. Remove or replace the liner. Reverse the process to install liner.

NOTE: When replacing the clamping ring and screws: locate screw heads under liner, make a small cut on the liner at the screw heads and push the liner over the screw head.

Electrical - SPECK Controller Installation

WARNING: *The wiring of the pool motor and control box should be done by a licensed electrician in accordance with all local, state, and federal codes. Be certain that the motor frame and control box are properly grounded. Motor name plate lists voltage, phase, amp draw, and other information as well as wiring connection instructions.*

This section concerns the electric motor and control box for BaduStream II swimjet system.

CAUTION: *Before installing the Speck Pump, read the entire pump owner's manual found in the pump box.*

Consult local codes for minimum distance between pump and pool. Locate pump as close to the pool as practical.

CAUTION: *There is 50ft of cable included with the push button. If a longer distance to the control box is required, a junction box can be installed above the water line to splice additional cable as required or you may purchase a 100 ft. button (part# 2336002800B).*

NOTE: The System ON/OFF LED push button is installed in a 1-1/2" threaded housing. This housing may be installed in any 1-1/2" return fitting, either below the water line or above the water.

BONDING: As required by National Electrical Code, the pump motor must be electrically bonded to the pool structure (reinforced bars, etc.) by a solid copper conductor not smaller than No. 8 AWG via the external copper bonding lug on the pump motor.

GROUNDING: Permanently ground the pump motor and control box using a conductor of appropriate size.

- **Pump Motor:** Connect to the #10 green headed ground screw provided inside the motor terminal box.
- **Control Box:** Connect to the aluminum grounding terminal strip on the inside of the control box enclosure.

CAUTION: ***DO NOT*** *connect to electric power supply until the unit is permanently grounded.*

NOTE: Single phase control boxes equipped with GFCI are shown on pages 17-18. Other options are available. Please contact the factory (800) 223-8538 for assistance.

Connecting the SPECK controller to a WiFi network for the FIRST TIME:

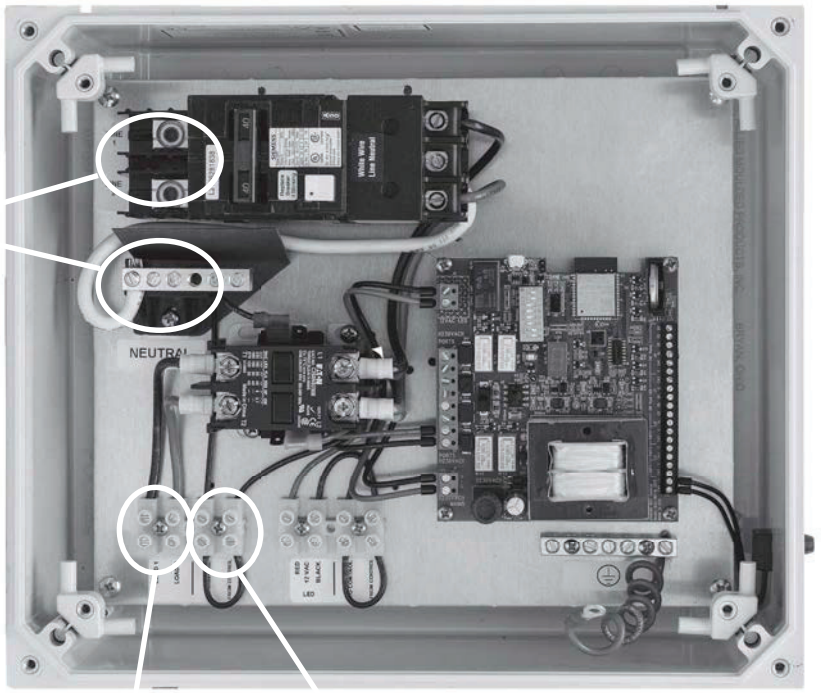
1. Before connecting the SPECK controller to the WiFi network, stand where the SPECK equipment is located and with your mobile device in-hand assure that the signal strength to the WiFi network is good to excellent *(weak signals will cause problems).*

2. Make sure the power to the SPECK Device is turned ON. There is a green indicator on the controller board to indicate power. A small "o" will be flashing on the LED display.

3. Give the homeowner the BADU*Connect* app manual and allow them to finish the App setup. *For more information, Call (800) 223-8538 or visit www.baduconnect.com for additional copies of the BADUConnect App instructions.*

Figure 17
Control Box Wiring

Power from main panel (230 VAC):
Neutral, Line 1, Line 2



Power to pump motor (230 VAC):
Load 1, Load 2

Connection for remote relay
(Remove Jumper)

Contact MFG for wiring instructions.

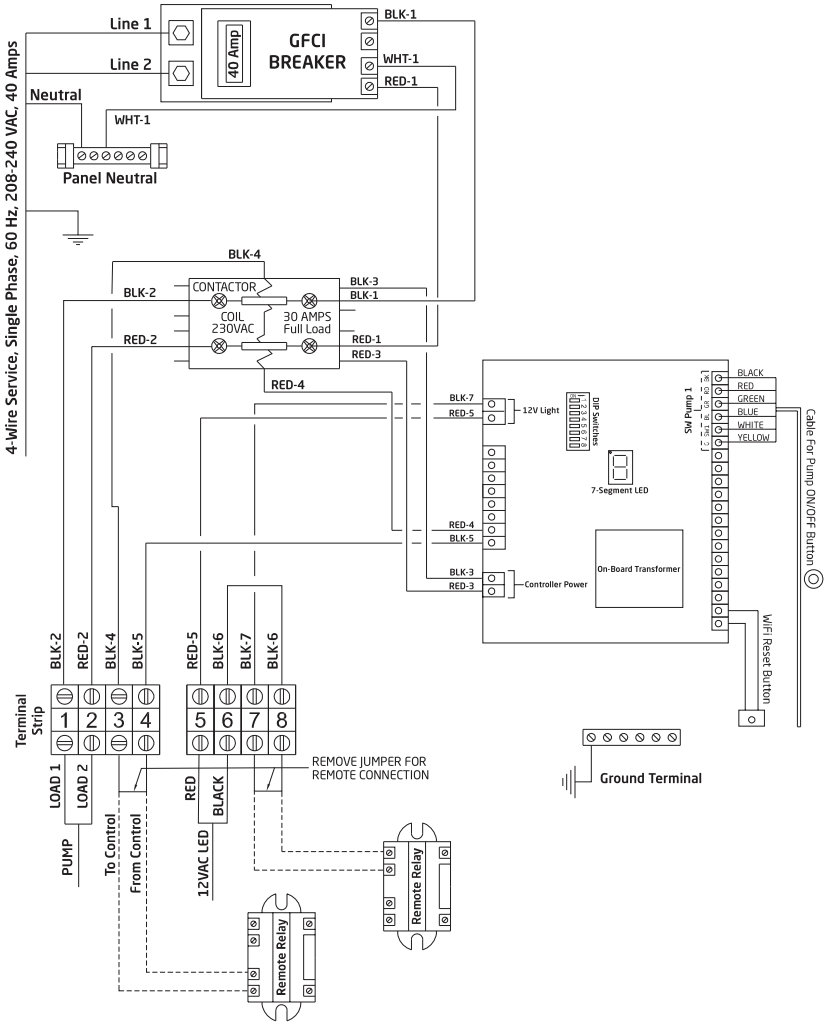
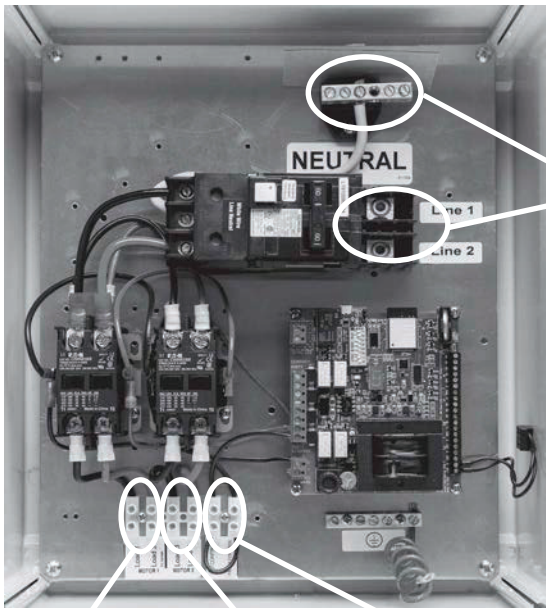


Figure 17A
Control Box Wiring



Power from main panel (230 VAC): Neutral, Line 1, Line 2

Power to pump motor 1 (230 VAC): Load 1, Load 2

Power to pump motor 2 (230 VAC): Load 3, Load 4

Connection to remote relay (120 VAC)
Contact MFG for wiring instructions.

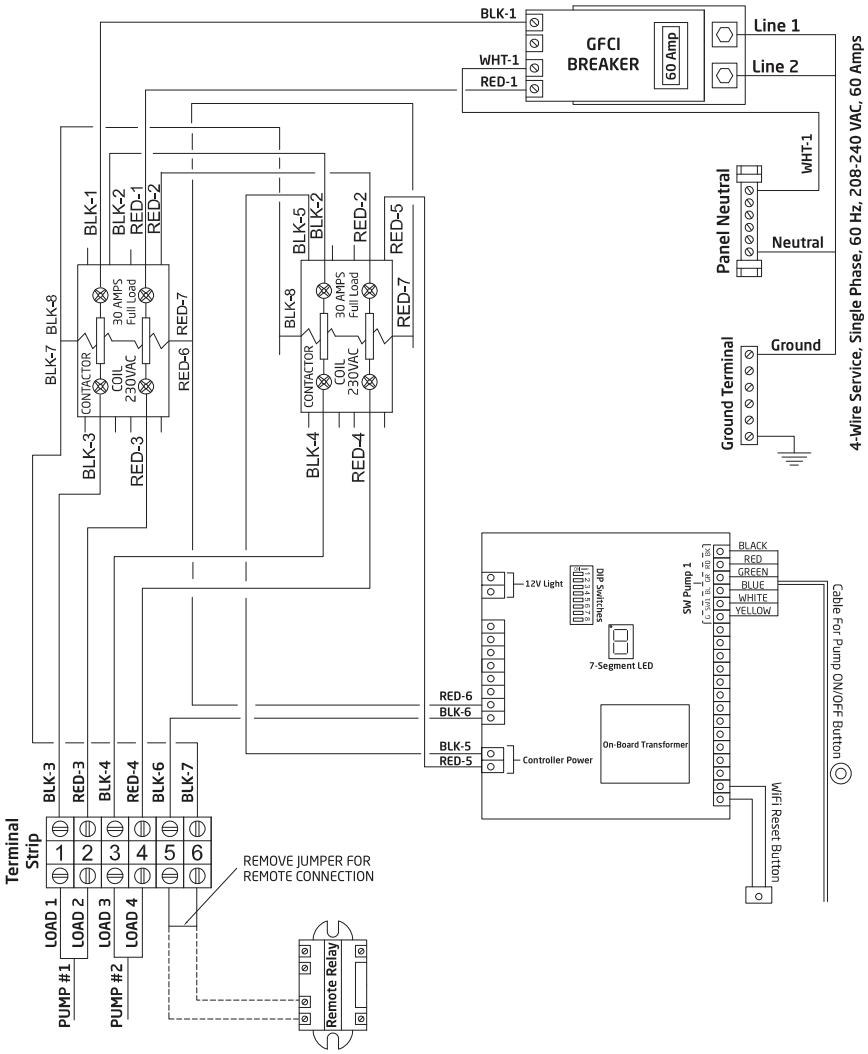


Table 1
LED Push Button Color Codes

COLOR	MEANING
Solid BLUE	SwimJet System is OFF
Flashing GREEN every 1 second	SwimJet System is ON with 2 hour timer
Flashing GREEN every 1/2 second	This is a 2 minute warning on the 2 hour timer. Once the 2 minutes have passed the swimjet system will automatically turn OFF.

Table 2
LED Codes & Meanings

PATTERN ON LED DISPLAY	CONDITION
Flashing Dash (-) with an interval of ~200ms	Ideal with no Relay/Pump on
Flashing 'P' with the interval of ~200ms	No WiFi connection, Wrong Wifi Password
Flashing 'O' (Capital O) with an interval of ~200ms	No cloud connection due to server down or no internet
Flashing 'o' (Small o) with an interval of 200ms	Device has not been set up to connect to WiFi
Flashing '≡' (triple bars) with an interval of 200ms	The device is doing OTA Firmware update
Flashing 'E' with an interval of ~200ms	Hardware error
Flashing 'L' with an interval of ~200ms	Pool light error
Steady 2	Port 2 is on manually (No Timer/Schedule)
Steady 3	Port 3 is on manually (No Timer/Schedule)
Steady 4	Port 4 is on manually (No Timer/Schedule)
Steady 5	Port 5 is on manually (No Timer/Schedule)
Steady 1 with flashing dot. The dot will flash with an interval of ~100ms	Port 1 is on a schedule based on Time of Day.
Steady 2 with flashing dot. The dot will flash with an interval of ~100ms	Port 2 is on a schedule based on Time of Day.
Steady 3 with flashing dot. The dot will flash with an interval of ~100ms	Port 3 is on a schedule based on Time of Day.
Steady 4 with flashing dot. The dot will flash with an interval of ~100ms	Port 4 is on a schedule based on Time of Day.
Steady 5 with flashing dot. The dot will flash with an interval of ~100ms	Port 5 is on a schedule based on Time of Day.
Flashing 1 with the interval of ~100ms	Port 1 is on a countdown timer
Flashing 2 with the interval of ~100ms	Port 2 is on a countdown timer
Flashing 3 with the interval of ~100ms	Port 3 is on a countdown timer
Flashing 4 with the interval of ~100ms	Port 4 is on a countdown timer
Flashing 5 with the interval of ~100ms	Port 5 is on a countdown timer
Blue light is ON	LED Push Button: When Port 1 or 2 is OFF
Green-light is ON	LED Push Button: When Port 2 is ON in manual mode
Green light is Flashing 1 second interval flashing when time remaining is more than 2 minutes otherwise flashes with 0.5 second	LED Push Button: When Port 1 or 2 is ON in Timer or schedular mode
Red light is flashing	LED Push Button: When there is an error with the Swimjet Light (Port 2)

4 Service and Maintenance

Nozzle Adjustment

The BaduStream System is provided with a set of nozzle adjustment tools. These tools will allow the user to set the jet nozzles into position for optimum performance.

When setting the nozzles for basic swimming, it is recommended that you set the nozzles in such a way that each nozzle intersects 4 feet away while breaking the surface at the same time. To help set the nozzles in position for best performance, please follow these instructions:

2 Jet System:
1. Extend the nozzle adjustment tool to full length.

2. Place one nozzle adjustment tool into the center jet nozzle, bring the blue nozzle tool so it is straight out and tilted up, so the end of the tool breaks the surface of the water and leave tool in the jet.*(See Figure 16)*

3 Jet System:
1. Extend the nozzle adjustment tool to full length.

2. Place one nozzle adjustment tool into the center jet nozzle, bring the blue nozzle tool so it is straight out and tilted up, so the end of the tool breaks the surface of the water and leave tool in the jet. *(See Figure 16A)*

3. Place the second tool in the left side jet, move the tool so that the end touches the end of the tool left in the center jet where it breaks the surface of the water.

4. Repeat step 3 for the right-side jet using the same tool used on the left jet.



Nozzle Adjustment Tools

NOTE: Though the nozzle adjustment tools are designed for outdoor use, it is advised to protect them from continuous direct heat.

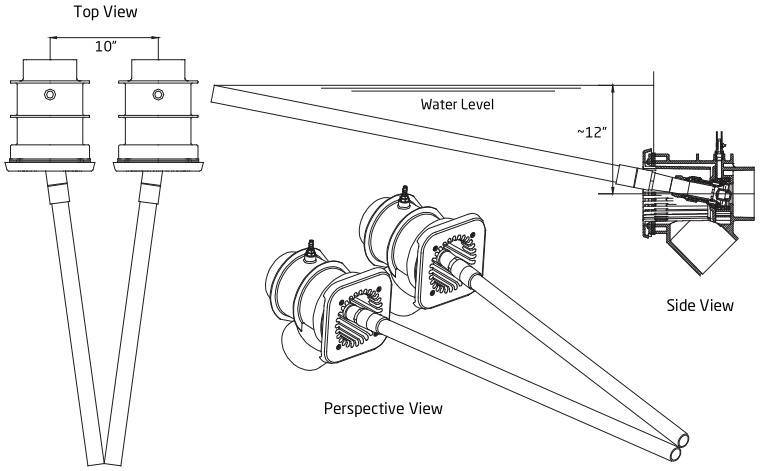


Figure 16
2 Jet System Nozzle Adjustment

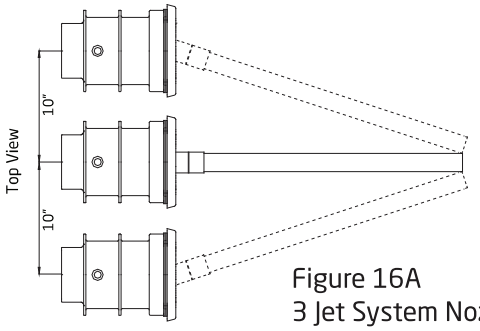


Figure 16A
3 Jet System Nozzle Adjustment

Winterizing

In areas subject to freezing water temperatures, you should protect your equipment. We recommend you purchase a winter cover kit part #2308752006K. This kit includes one (1) winter plate, one (1) gasket and four (4) screws.

Also, you can protect your swimjet system as follows: Drain pool until water level has dropped below the anti-entrapment cover. Then protect pump by removing drain plug and red filler plug (or lid).

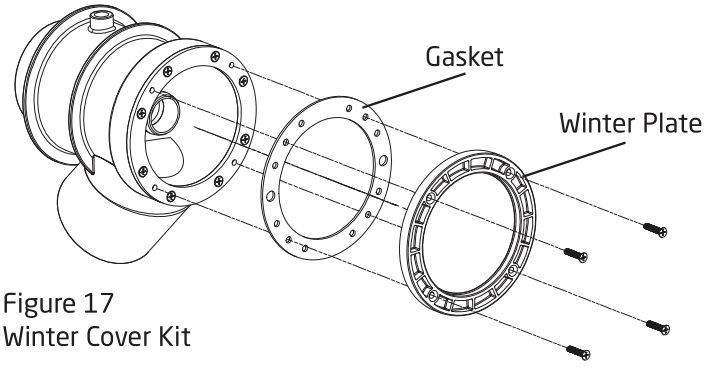


Figure 17
Winter Cover Kit

5 Frequently Asked Questions

How is the current generated?
The pump generates up to 400 GPM coming out of two (2) jet nozzles at 27 ft. per second and 36 ft. per second thru one (1) nozzle creating a swim current in excess of 5700 GPM, measured 6 ft. from the jet.

What size pool do I need?
The BaduStream can be installed in any size pool. However, we recommend a minimum length of 15 ft. and a minimum width of a 8 ft. swimming lane.

What size plumbing is necessary? How far away from the BaduStream can the pump be installed?
Use 4" plumbing up to 30 ft. For runs longer that 30 ft. use 6" plumbing. The pump should be placed as close to the BaduStream as local codes will allow. See plumbing installation on page 8 for more details.

How many amps does the pump operate at?
4.0 HP: Maximum 21.0 - 19.4 amps @ 208-230 V
3.5 HP: Maximum 15.2 - 14.0 amps @ 208-230 V

What size breaker do I need?
You must use a 40 amp breaker for the 4 HP pump or 30 amp breaker for the 3 HP pump to avoid nuisance tripping. A 60 amp breaker is required for three jets and two pumps system.

Is the BaduStream approved?
Yes. The BaduStream swim jet system is listed by MET, UL and complies with UL standard 1563 Swimming Pool Equipment, ASME standard A*NSI/ASME A112.19.8 (ANSI/APSP-16, 2011)* Standard for Swim Jet Combination Fittings, and is VGB 2008 compliant.

Do the covers come in different colors?
Yes. The round covers can be ordered in gray or black. The square cover is only available in black or white.

Does the air regulator come in different colors?
Yes. The air regulator can be ordered in black.

Does it matter if the housing is installed higher or lower than the manual states?
Yes, the center of the jet must be 12" **BELOW** estimated water level for proper performance of unit.

Can the air regulator be placed elsewhere?
Yes, as long as it is not continuously flooded with water.

Can the pump be placed below water level?
Yes. However, for best performance we recommend ordering a pump for flooded suction (Model 21-80/33G) instead of self-priming (Model 21-80/33GS). We recommend installing valves for ease of maintenance.

How far away can the LED push button function properly?
The LED push button will work as far as needed. However, only 50 ft. of cable is provided. Larger runs will require splicing at a junction box or purchasing the 100' cable button.

Do I need to install a motor starter?
In most case, no. All single phase pumps have built-in thermal overloads. Also, the three phase Model 21-80/33 has built-in thermal overload. Other three phase pumps require a motor starter.

Should this be tied into my filter system?
No. The swim jet system and the filter system should not be plumbed together as they each provide very specific functions.

Can I use with automated controls?
Yes. It comes with the ability to tie into automated control systems or other switching devices.

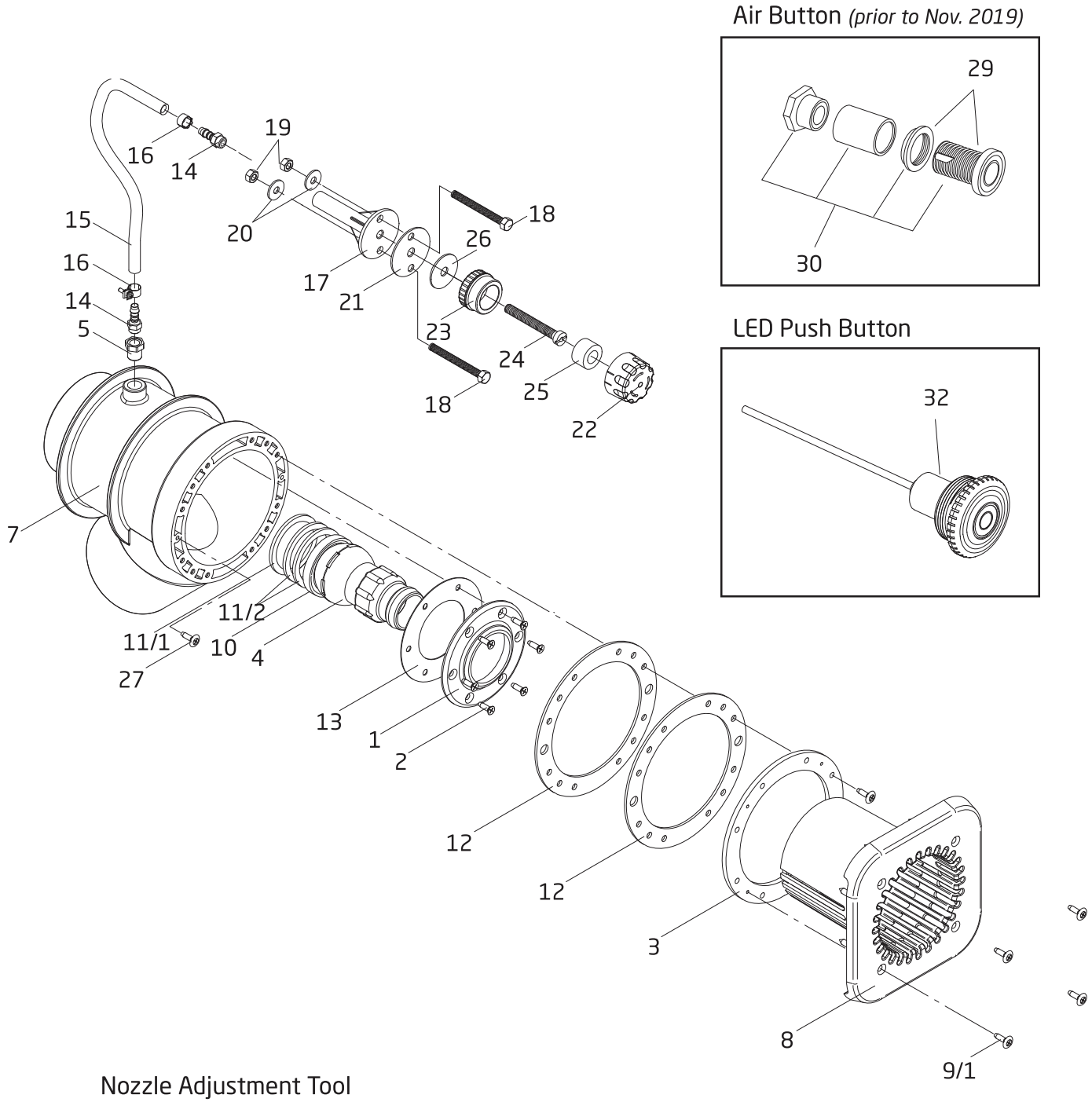
Trouble Shooting

PROBLEM	POSSIBLE CAUSES	SOLUTION
1. Pump will not prime.	a. Suction air leak.	Make sure the red filler plug and o-ring are clean and properly positioned. Tighten red filler plug. Tighten all pipes and fittings on suction side of the pump. Be sure water in the pool is high enough to flow through the jet housing.
	b. No water in pump.	Make sure pump housing is full of water.
	c. Closed valves or blocked lines.	Open all valves in system. Open pump and check for clogging of impeller.
	d. Low voltage to motor.	Check voltage at motor. If low, pump will not come up to speed.
2. Motor does not turn.	a. No power to motor.	Check that all power switches are on. Be sure fuse or circuit breaker is properly set. Check motor wiring at terminals.
	b. Pump jammed.	With power off, turn shaft. It should spin freely. If not, disassemble and repair.
3. Low flow.	a. No water in pump.	See problem 1.
	b. Closed valves or blocked lines.	
	c. Low voltage to motor	
4. Noisy operation of motor.	a. Bad bearings.	Check for noise when shaft is turned by hand. Motor will be very hot in bearing area when running. Replace bearing.
5. Motor runs hot.	These motors will run hot to the touch, however, this is normal. They are designed that way. Thermal overload protector will function to turn them off if there is an overload or high temperature problem. Excessive heat can be caused by:	
	a. Low voltage.	Increase size of electrical wire. Be sure motor is operating on correct voltage.
	b. Installed in direct sun.	Shield motor from sun's rays.
	c. Poor ventilation.	**DO NOT** block motor ventilation openings.
6. Noisy operation of pump.	a. Air leak in suction line.	Repair leak. Check suction pipe, red filler plug, and o-ring (See Problem 1).
	b. Restricted suction line due to blockage or under size pipe. Indicated by high vacuum reading at pump suction.	Remove blockage or increase suction pipe size. Are all suction valves fully open?
	c. Foreign matter (gravel, metal, etc.) in pump impeller.	Disassemble pump and remove foreign matter from impeller.
	d. Cavitation.	Improve suction conditions. (Reduce suction line length, reduce number of fittings, increase pipe size.)

Trouble Shooting - continued

PROBLEM	POSSIBLE CAUSES	SOLUTION
7. Motor overload protection "kicks out".	a. Motor is not connected properly.	Check wiring diagram on motor.
	b. Low voltage due to under size wire or low incoming voltage.	Check with volt meter. Increase size of supply wire. Report low supply voltage to power company. Voltage at motor must be within 10% of motor nameplate voltage.
	c. Wrong size heaters in protective device.	Heaters should be one size larger than full load amps shown on motor nameplate.
	d. Overload due to binding in pump or wrong size impeller.	Indicated by high amperage readings on motor, binding shaft. Disassemble unit and correct.
8. My ON/OFF LED push button is not working properly?	a. Control Box.	Check GFCI. If green LED does not stay ON, contact a certified electrician to diagnose control box components.
	b. Wiring.	Check the LED push button connections on the control box. Make sure the connections are tight.
9. The system will not turn OFF?	a. Control Box Components.	Press TEST button on the control box GFCI to turn off system. Contact a certified electrician to diagnose control box components.
10. I have adjusted the nozzles but the flow is weak?	a. Debris in pump casing/impeller.	Check inside pump casing for any debris.
	b. Improper swim jet assembly.	The internals may need to be removed for inspection.
11. The plastic cover is cracked.		To order contact the factory at 800-223-8538.

6 Product Specification



Replacement Parts

Order#	Drawing #	Qty Required	Description
2306002009	1	1	Face Ring - Nozzle
5879006021	2	6	Thread Cutting Screw - Face Ring K60 x 20 A2
2308762004	3	1	Ring - Clamping
2302002857	4	1	Nozzle - Adjustable Flow 40mm
2308761001A	5 & 7	1	Housing w/ Bushing Reducer 16 x 1/4"
2308750003	8	1	Cover - Square White
5879650625	9/1	4	Screw - Square Cover, Phillips/Pan M6 x 25mm
2991000077	9/2	8	Screw - Clamping Ring, Phillips Flat Head M6 x 20mm
5879650625	9/3	8	Screw - Clamping Ring, Phillips/ Pan M6 x 25mm
5879650640	9/4	8	Screw - Clamping Ring, Phillips/ Pan M6 x 40mm
2991000038	9/5	4	Screw - Sq.cover (Ext. Ring) Slot/ Pan M6 x 45mm
2302002056	10	1	Seat - Nozzle
2302002057	11/1	1	Spacer - Nozzle 6.2mm
2302002157	11/2	2	Spacer - Nozzle 4.0mm
2308750005	12	2	Gasket - Clamping Ring
2306002013	13	1	Gasket - Face Ring
2303004000	14-21	1	Holder w/ Hose Subassembly
2301001005	14	2	Nipple - Hose, Air Regulator, Plastic 1/4"
2301001007	15	1	Hose - Air Regulator, Plastic 8 x 3mm *(for single or three jet system)*
2301004001	15	1	Hose - w/ Y Fitting, Plastic 8 x 3mm *(for two jet system)*
2301001008	16	2	Clamp - Hose, Air Regulator 14/9 SS A4
2301001009	17	1	Holder - Air Regulator
2991000049	18	2	Screw - Air Holder, Slot/Pan 1/4-20 x 1-1/2"
2991000052	19	2	Nut - Air Holder, Hex Nut 1/4-20 SS
2991400024	20	2	Washer - Air Holder 1/4" SS
2301001013	21	1	Gasket - Air Holder 60 x 11 x 2mm
2301002000	22-26	1	Air Regulator (Sub-Assembly Complete) - White
2301002021	22	1	Top Part - Air Regulator - White
2301002022	23	1	Bottom Part - Air Regulator - White
2301002023	24	1	Screw w/ Hole - Air Regulator, Brass M10 x 80
2301002024	25	1	Ring - Hose, Air Regulator 16 x 30 x 18mm
2301002025	26	1	Gasket - Air Regulator 42 x 11 x 2mm
2991000059	27	2	Thread Cutting Screw - Jet Housing, Phillips/Pan 14 x 1
2304910010	Not Shown	1	Ring - Extension, Jet Housing (Flange)
2336002800A	32	1	50 ft. LED Push Button CPL - Pump

Order#	Drawing #	Qty Required	Description
2920280740	Not Shown	1	Control Box - BJC-7-GFCI-WIFI+CPB
2920280739	Not Shown	1	Control Box - BJC-7-GFCI-P2J3-WIFI+CP

Parts Below Are Unique to the BaduStream Shipped Prior to 11/2019

7400000026	29	1	#10 Air Button
7400000027	Not Shown	1	Air Tube 1/8" x 1' *(Price per ft) (50' needed)*
7400000062	30	1	Air Button w/ Concrete Adaptor

Optional Parts

2308752006K	Not Shown	1	Winter Cover Kit - Cover, Gasket & 4 Screws
2308750003B	8.1	1	Cover - Square Black
2308760004	Not Shown	1	Cover - Round White
2308760004B	Not Shown	1	Cover - Round Black
2308760004G	Not Shown	1	Cover - Round Gray
2301002000B	22.1 - 26	1	Air Regulator (Sub-Assembly Complete) - Black
2301002029	22.1	1	Top Part - Air Regulator - Black
2301002028	23.1	1	Bottom Part - Air Regulator - Black
2308750006	Not Shown	1	Butterfly Gasket - Clamping Ring
2300022010	Not Shown	1	Cap - Nozzle & Hand Grip, Close Off
2300003010	Not Shown	1	Massage Hose 5 ft. w/Pulsator & Hand Grip
2300003310	Not Shown	1	Massage Hose 15 ft. w/ Pulsator & Hand Grip
2308799007	31	1	Kit - Nozzle Adjustment Tool
2336002800B	32	1	100 ft. LED Push Button CPL - Pump

7 Limited Warranty

Product Registration

Thank you for purchasing a SPECK PUMPS® product please take a few moments to register it online. Your registration helps us keep you up to date on product information and offers.

Before you register:
What do I need to get started?

- The Serial Number and the Model Name
- An email address. We will use this to send you confirmation of your registration.
- A copy of your sales receipt and/or qualified installer's invoice.

To register your SPECK equipment please register online at www.usa.speck-pumps.com/register/

or

Scan QR code to register product

Limited Warranty

Speck Pumps-Pool Products, Inc. grants solely to the original consumer purchaser ("Buyer") of the BADU® SwimJet System(s)the following personal, non-transferable and limited warranty on the following terms and conditions (the "Limited Warranty"): the BADU SwimJet System(s) is warranted to be free of material defects in materials or workmanship under normal use for a period of one (1) year beginning on the date of the Buyer's purchase of the BADU SwimJet System(s) (the "Limited Warranty Period"). Not withstanding any provisions herein to the contrary, the warranties and obligations hereunder shall not in any event extend for more than two (2) years beyond the date of shipment of the BADU SwimJet System(s) from the factory (the "Limited Warranty Period"). The Limited Warranty is subject to each of the following additional terms and conditions:

1. **IN THE EVENT OF ANY BREACH OF THE LIMITED WARRANTY, SPECK PUMPS-POOL PRODUCTS, INC.'S ENTIRE OBLIGATION AND LIABILITY TO BUYER, AND BUYER'S SOLE AND EXCLUSIVE REMEDY SHALL BE AS FOLLOWS:** Speck Pumps-Pool Products, Inc. will, at its option, either repair or replace the BADU SwimJet System(s) or refund to Buyer the purchase price actually paid by Buyer for the BADU SwimJet System(s) subject to the Limited Warranty. Speck Pumps-Pool Products, Inc. shall have no obligations under the Limited Warranty unless Buyer delivers timely written notice to Speck Pumps-Pool Products, Inc. of the Limited Warranty claim within the Limited Warranty Period and returns the BADU SwimJet System(s) to Speck Pumps-Pool Products, Inc. if requested. To the fullest extent permitted by law, Speck Pumps-Pool Products, Inc. expressly disclaims any liability for, and the Limited Warranty does not include or cover, any labor, costs or other expenses in connection with the removal, transportation, shipment, insurance, replacement, repair, or installation of repaired or replaced parts or for any other costs or expenses or damages to property or things including, but not limited to, those arising in connection with the use of, or inability to use, the BADU SwimJet System(s).

2. To the fullest extent permitted by law, the Limited Warranty will be void and of no force or effect and Speck Pumps-Pool Products, Inc. will have no liability, responsibilities or obligations to Buyer or with respect to the BADU SwimJet System(s) in the event of the occurrence of any one or more of the following:

(a) Any damage to the BADU SwimJet System(s) caused by Buyer, any third party, ground movement, other natural forces, acts of God or any other sources or causes not arising from a breach of the Limited Warranty, excluding ordinary wear and tear;

(b) Any replacement, modification, alteration or repair of any parts or components of the BADU SwimJet System(s) by anyone other than Speck Pumps-Pool Products, Inc.;

(c) Any abuse, misuse, accident, tampering with, improper installation or modification of the BADU SwimJet System(s) or any other actions, inactions or failures to act that violate the terms and conditions of this Limited Warranty;

(d) Buyer's failure or inability to present an invoice, bill, receipt or other documentation clearly evidencing that the BADU SwimJet System(s) was installed and maintained in strict compliance with this Limited Warranty and that the claim was timely submitted within the Limited Warranty Period; and/or

(e) Buyer's failure to comply with the conditions and contingencies set forth in paragraph 3 below.

3. The Limited Warranty is expressly conditioned and contingent upon Buyer's strict compliance with each of the following:

(a) Installation of the BADU SwimJet System(s) by an experienced and qualified pool industry professional and a licensed electrician who is licensed within the jurisdiction in which the BADU SwimJet System(s) is installed and will be used; and

(b) Buyer's operation and maintenance of the BADU SwimJet System(s) in strict accordance with Speck Pumps-Pool Products, Inc.'s printed operator/maintenance manuals delivered with the BADU SwimJet System(s).

4. **DISCLAIMER: THE LIMITED WARRANTY IS THE ONLY WARRANTY MADE AND IS IN LIEU OF ALL OTHER WARRANTIES, AND ANY AND ALL IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY, THE IMPLIED WARRANTY AGAINST INFRINGEMENT, AND THE IMPLIED WARRANTY OR CONDITION OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY LIMITED IN THEIR SCOPE AND DURATION TO THE ONE YEAR TERM OF THE LIMITED WARRANTY SET FORTH HEREIN. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS, SO THE ABOVE LIMITATION MAY NOT APPLY TO THE BUYER.**

5. **TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT SHALL SPECK PUMPS-POOL PRODUCTS, INC. OR ITS OFFICERS, DIRECTORS, EMPLOYEES, SHAREHOLDERS, AGENTS, OR REPRESENTATIVES BE LIABLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES OR LOSS, INCLUDING TIME, MONEY, GOODWILL, AND LOST PROFITS IN ANY WAY WHICH MAY ARISE HEREUNDER OR FROM THE USE OF OR INABILITY TO USE THE BADU SWIMJET SYSTEM(S) OR THE PERFORMANCE OR NONPERFORMANCE OF ANY OBLIGATION UNDER THIS LIMITED WARRANTY. THIS PARAGRAPH, THE WARRANTY DISCLAIMERS IN PARAGRAPH 4 ABOVE, AND THE SOLE AND EXCLUSIVE REMEDY SET FORTH IN PARAGRAPH 1 ABOVE SHALL APPLY EVEN IF SPECK PUMPS-POOL PRODUCTS, INC. HAS BEEN NOTIFIED OF THE POSSIBILITY OR LIKELIHOOD OF SUCH DAMAGES OCCURRING, WHETHER SUCH LIABILITY IS BASED ON CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, PRODUCTS LIABILITY OR OTHERWISE, AND EVEN IF ANY REMEDY STATED HEREIN FAILS OF ITS ESSENTIAL PURPOSE. SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES OR LOSS, SO THE ABOVE EXCLUSIONS AND LIMITATIONS MAY NOT APPLY.**

6. This Limited Warranty gives the Buyer specific legal rights, and the Buyer may also have other rights, which vary from state to state.

7. A return merchandise authorization ("RMA") must be obtained from Speck Pumps-Pool Products, Inc. before returning any product. Products returned without an RMA will be refused and returned, unopened, to the Buyer. All returned products are to be sent freight prepaid and insured for Buyer's protection to the manufacturer at 8125 Bayberry Road, Jacksonville, Florida 32256 USA. Under no condition will products be accepted after the expiration of the Limited Warranty Period. Speck Pumps-Pool Products, Inc. shall not bear any costs or risks incurred by Buyer in shipping a defective BADU SwimJet System(s) to Speck Pumps-Pool Products, Inc. or in shipping a repaired or replaced BADU SwimJet System(s) to Buyer.

From:	Simone Kenny, AICP
To:	Simone Kenny, AICP
Cc:	Chuck Merenda; Adam Mengel, AICP, LEED AP BD+C
Bcc:	"Anthony Lombardo"; "Anthony Lombardo"; "Michael Goodman"; "dan wilcox"; "tconner [redacted] cblpa.com"; "Mark Langello"; "Michael Boyd ([redacted] gmail.com)"; "[redacted] gmail.com"
Subject:	FW: Runoff 3 Pelican for Public Record and PDB
Date:	Tuesday, September 9, 2025 9:53:00 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png

Planning and Development Board:

Please see below and attached regarding Item No. 10 on tomorrow's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner
E: [redacted] flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Jackie O'Connell <[redacted] yahoo.com>
Sent: Tuesday, September 9, 2025 9:15 AM
To: Simone Kenny, AICP <[redacted] flaglercounty.gov>; Planning Dept <[redacted] flaglercounty.gov>
Subject: Runoff 3 Pelican for Public Record and PDB

This is a photo of the runoff in front of 3 Pelican taken after the rainstorm night before last (~7pm Sept 7, Sunday). The water runoff will be worse when the impervious pool deck and (possible) large pump house are built. Unless Mr. Royer intends to redirect hi**s existing front downspouts across his front lawn** toward Pelican**,** a **similar issue** will be created

on Mockingbird when the **existing front side** downspouts are redirected to Mockingbird**.** And when Mr. Royer's **existing downspouts on back corner of his house are removed off adjacent property*** which is not owned by Mr. Royer **and redirected to Mockingbird**, it will be an **even worse issue** on Mockingbird.

When we get 12-15" rain during a hurricane followed by high tides, the neighborhood streets are going to have a real problem. This is why **we've requested the 3 Pelican variance plan address how runoff will be mitigated and/or kept on Royer property**.

***** photo showing Royer backyard downspouts extending beyond his property line was previously submitted

Thank you,

Jackie O'Connell
[redacted]yahoo.com
336.512.9671 mobile

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 9:59 AM
To: Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: Request for Fair Review Application #2025080063 of Pool House/Pump House/Shed Project

Planning and Development Board,

Please see below regarding Item No. 10 on tonight's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Jan <[redacted]ptd.net>
Sent: Tuesday, September 9, 2025 12:36 AM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>; Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>
Subject: Request for Fair Review Application #2025080063 of Pool House/Pump House/Shed Project

Dear Simone,

I am writing this letter as the homeowner. My husband, Raymond Royer, has been submitting and presenting applications to the county since February 2025. He has attended the TRC meetings prior to each application, asked questions, and sought guidance every step of the way — and yet we are still at a dead end.

Our project includes a small pool and a pool house/pump house/shed designed to be 9'7" high. The county's suggestion that we should use a 4-foot high shed is not practical or realistic. The structure must allow someone to stand inside to properly service the pool motor and to store patio furniture and equipment during storms. Our design is professional, aesthetically matches our home, and fully complies.

Instead of focusing on the facts and zoning requirements, we have been subjected to months of irrelevant and baseless objections from a small group of neighbors, two of which do not even reside in our community full-time. These property owners have been the most vocal about our project, even though it does not directly affect their property or rights as owners. Their objections are nothing more than ridiculous guessing and misunderstandings. To suggest we "swim in the ocean," "throw patio furniture into the pool," or that the pool house could somehow become living quarters or an Airbnb has no basis in reality.

One neighbor even claimed our professional renderings are "just computer-generated pictures" instead of recognizing that they were created to county specifications. This same neighbor went so far as to take a photo of our home and use a marker tool to draw their own version of what they thought we were requesting. That type of misrepresentation is absurd and misleading.

We have always spoken with our neighbors cordially and have acted in good faith throughout this process, following every rule, request, and requirement from the county. The truth is that some neighbors are using unrelated disputes — like our private roadway disagreements — to stir up conflict and delay our project.

It is our request that the county:

1. Disregard irrelevant, speculative, and inaccurate objections that are not tied to this project or zoning requirements.
2. Recognize that our project meets county requirements and is designed responsibly.
3. Provide a fair and timely resolution so we can move forward without further hardship.

This situation has cost us significant personal time, reapplication fees, rendering design expenses, and repeated document submissions. It has also caused unnecessary stress and division in the community.

We expect and request a fair decision in this matter, and we ask that the county reciprocate the good faith we have shown throughout this process by providing a timely and reasonable resolution.

The pool house/pump house/shed dimensions are well under the county's maximum allowance of 12 feet in height, and our project fully complies with the applicable standards.

Thank you for your attention and for moving this forward based on facts and requirements, not speculation.

Sincerely,

Jan Paxson

3 Pelican Lane

Adam Mengel, AICP, LEED AP BD+C

From: Dan OConnell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 2:10 PM
To: Simone Kenny, AICP; Planning Dept
Subject: 3 Pelican variance

Good afternoon Simone. I plan to bring you a flash drive with 5 slides for my presentation this evening so you will be able to show. Much easier than trying to use my cell phone. Which format is easiest for you, power point or pdf?

Additionally can you please send me any additional public comments you have received that did not make the packet posted Friday.

Thank you,
Dan OConnell

Sent from my iPhone

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 3:44 PM
To: Dan OConnell; Planning Dept
Subject: RE: 3 Pelican variance
Attachments: 20250908-0950-Harris Email.pdf; 20250908-1442-Oconnell Email.pdf; 20250909-0036-Paxon Email.pdf; 20250909-0953-Oconnell Email.pdf; 20250907-1400-Benoit email.pdf; 20250908-0822-Lane Email.pdf

Hello,

We cannot accept flash drives due to cybersecurity concerns. You can print-out your presentation or you can email it me. PowerPoint is fine.

Attached are public comments related to item 10 received after publishing.

Simone Kenny, AICP
Senior Planner
E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

-----Original Message-----
From: Dan OConnell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 2:10 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>; Planning Dept <[redacted]flaglercounty.gov>
Subject: 3 Pelican variance

Good afternoon Simone. I plan to bring you a flash drive with 5 slides for my presentation this evening so you will be able to show. Much easier than trying to use my cell phone. Which format is easiest for you, power point or pdf?

Additionally can you please send me any additional public comments you have received that did not make the packet posted Friday.

Thank you,
Dan OConnell

Sent from my iPhone

Growth Management Department-Planning & Development Project No.2025080063-AR 5921-Variance in Residential Limited Commercial District (3 Pelican Lane)
September 9, 20225 Board Meeting

comments from neighbor at 7 Pelican Lane (Nancye Walls) – Please vote NO based on
1. This project keeps going round and round. Board has approved EVERYTHING EXCEPT height of pump house. I do not see a 9-10 foot tall, 100 square foot building on front of property and ON PROPERTY LINE anywhere in Flagler County. Has Board ever approved variance like this ?

2. The pictures of wall and pump house are not the way it will really look.. They dont reflect the right-of-way intersection and existing houses that abut his property or the Power connection to the roof that will stick up like a pipe chimney. They dont reflect my tenants parking their work trucks along his 4 foot wall. There are 4 vacant lots - 2 at either end of Mockingbird and 2 behind Mr. Royer property. These will eventually be built on and each builder will want to extend to property line – front, side and back. They will all want setback variances like 3 Pelican. This is the start of ever growing congestion and falling property values.

3. As time goes on and property is sold, the probability of re-purposing this pump house is high – expensive pumps that generate wave resistance is low priority for most people. They only need to go to ocean. Expect pump house to become pool house, in-law suite, quest house, tiny house, BNB !!!

4. Hardship ? There are 3 pools, 2 detached garages in neighborhood and no project required a variance because owners followed the rules. Apparently the hardship is housing pumps. The pumps Mr Royer described were German made and very expensive. I googled this and found "Badu Jet Super-Sport Swim Jet System, 208-230V- $9,626.00 ships free – **shipping dimensions 25 by 20 by 21 inch; weight 124 pounds** upc code 840182102952" I have attached a picture. The control unit can be attached to wall to give easy access to changing water volume and air regulator

VR, [redacted] 571-426-2867









Adam Mengel, AICP, LEED AP BD+C

From: Mo Brunk <[redacted]ymail.com>
Sent: Wednesday, September 10, 2025 12:04 PM
To: Adam Mengel, AICP, LEED AP BD+C
Subject: Project No. 2025080063 – REQUEST FOR A VARIANCE 3 Pelican Lane

Good Morning Mr. Mengel,
I attended last evening's meeting (and spoke) regarding the variance requested at 3 Pelican Lane. Would it be possible for you to email me copies of the letters neighbors sent to you regarding their stance on the proposed variance? I do not see them in the correspondece attached to the paperwork of Mr. Royer's documentation file.

Thank you for you assistance.
Maureen Brunk
5 Cardinal Lane
Flagler Beach

443-472-7402

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Wednesday, September 10, 2025 3:03 PM
To: Mo Brunk
Cc: Simone Kenny, AICP; Chuck Merenda; PublicRecords
Subject: RE: Project No. 2025080063 – REQUEST FOR A VARIANCE 3 Pelican Lane
Attachments: 20250908-1442-Oconnell Email.pdf; 20250909-0036-Paxon Email.pdf; 20250909-0953-Oconnell Email.pdf; 20250907-1400-Benoit email.pdf; 20250908-0822-Lane Email.pdf; 20250908-0950-Harris Email.pdf; Scanned Document.pdf; 20250908-0902-Walls email.pdf

Hi Ms. Brunk:

When we publish the agenda and backup – typically the Friday before the Planning and Development Board meeting scheduled for the following Tuesday – we include in the backup all correspondence received up until the date of publication. Anything received after publishing the agenda and backup is sent to the Planning and Development Board via email.

I have attached the emails that we received (and sent to the Planning and Development Board members) related to Project No. 2025080063 following the publication of the Planning and Development Board's agenda and backup for the September 9, 2025 meeting.

I hope that this information if helpful.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Mo Brunk <[redacted]ymail.com>
Sent: Wednesday, September 10, 2025 12:04 PM
To: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>
Subject: Project No. 2025080063 – REQUEST FOR A VARIANCE 3 Pelican Lane

Good Morning Mr. Mengel,
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Thank you for you assistance.
Maureen Brunk
5 Cardinal Lane
Flagler Beach

443-472-7402

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Friday, October 31, 2025 4:38 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: Chuck Merenda; Simone Kenny, AICP
Subject: Re: Royer 3 Pelican Lane appeal

Thank you.
Jackie

Excuse brevity and typos, sent from mobile device

On Oct 31, 2025, at 4:17 PM, Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov> wrote:

Hi Ms. O'Connell:

This week Mr. Royer sent us an email stating that he would like his variance appeal to be heard by the Board of County Commissioners at its Monday, January 12, 2026 regular meeting starting at 5 p.m. We will provide public notice – letters and signs – as the meeting date approaches.

I wanted to send this email to you now so that you are aware of this date.

Please contact us with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Tuesday, January 6, 2026 11:13 AM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: FW: follow up Board/Commission meetings - Royer Appeal 01.12.26

Ms. Spector,
In reviewing the Royer Appeal packet provided to the BCC, it appears that four variance opposition letters were excluded. These letters were submitted to the Planning Board for its September meeting. For due process, it is very important that the Commissioners have a full picture of the amount of opposition to the variance request. Below is Mr. Moylan's response when a similar issue occurred at the May appeal.

Jackie O'Connell
Mockingbird Lane

-----Original Message-----
From: Sean S. Moylan <[redacted]flaglercounty.gov>
Sent: Monday, August 18, 2025 8:08 AM
To: Jackie OConnell <[redacted]yahoo.com>
Subject: RE: follow up Board/Commission meetings

Good morning,
I verified your comments/emails were not made part of the record on appeal. I instructed staff that the entire record must be presented to the BCC on appeals.

Sean S. Moylan
Deputy County Attorney
Board Certified City, County, and Local Government Law
E: [redacted]flaglercounty.gov | V: 386-313-4056

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

-----Original Message-----
From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, August 17, 2025 2:02 PM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: follow up Board/Commission meetings

Hello Mr. Moylan,
I appreciate the time you took to talk with me last Wednesday. There were a couple of items, relating to meetings on May 5 and Aug 12, that you were going to verify or research. Would you be able to provide an update (call or email) sometime on Monday, 8/18?
Thanks,
Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

January 6, 2026

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance and appeal. I have provided the attached letters and photos previously submitted for previous hearings on this matter.

Sincerely,

George E. Benoit

George E. Benoit

14 Pelican Lane
15 Pelican Lane
17 Pelican Lane
6 Driftway Terrace
Flagler Beach, FL 32136

September 6, 2025

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance. I had provided the attached letter and photos for previous hearings on this matter.

Sincerely,

George E Benoit

17 Pelican Lane &
6 Driftway Terrace
Flagler Beach, FL 32136

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E Benoit

George E. Benoit


PELICAN LANE ↑
14 PELICAN →
← 15 PELICAN


14 PELICAN →
SAND + STONE
FROM WATER/RAIN


17 PELICAN

Adam Mengel, AICP, LEED AP BD+C

From: rental POC, Nan <[redacted]gmail.com>
Sent: Friday, January 9, 2026 1:25 PM
To: Nan Wahl; Jackie OConnell; Planning Dept
Subject: Jan 12, 2026 Mtg of Flagler county Commissioners proj #2025080063, 3 Pelican Lane
Attachments: 3 Pelican VARIANCES appeal 12 Jan.odt

Comments for Flagler County Board of County Commissioners, Jan 12, 2026, concerning 3 Pelican Lane Project # 2025080063

Good morning, I am Nancye Walls, owner of 7 Pelican Lane and I do not support Mr Royer's appeal.. I feel the Planning Boards was more than fair in approving all variances, I even worry that these variances set a bad precedence for future development- 4 -5 vacant lots within River-Beach Subdivision whose owners will want the same variances that virtually allow boundary to boundary construction with limited provisions for utilities, jeopardizes safety, disregards public access, limits privacy and puts a utility building in direct sight of A1A travelers and most of the neighborhood residences. Property values are declining all over and this building is going to be an eye-sore !

DID THE FLAGLER COUNTY PLANNING PROCESS FAIL MR ROYER ?

Multiple variances requested and **approved by the Planning Board in February 2025:**

Variances: New construction of pool, pump house, pool deck
3.5 foot rear
25 foot left street side
.8 percentage point lot coverage

These variance allow the construction of approximately 100 square foot pool house situated on or within 2 feet of the property border with Mockingbird Street

ALL VARIANCES WERE APPROVED BUT HEIGHT OF POOL HOUSE WAS NOT TO EXCEED FOUR FEET (per subdivision covenants) and the square footage allowed was virtually unlimited if the pool pumps and storage were incorporated into the 4 foot fence

Mr Royer is appealing the limitation on the pool house height. He plans to build a 8 by 12 foot concrete building that is approximately 9 feet high almost directly on the property line – no setback – and feels the height limitation restricts the full use of his property. My property at 7 Pelican is directly across Mockingbird. The only thing good about the prospects of having a high, wide solid concrete wall so near my property is that I can bounce a tennis ball against it.

I don't see high structures on the side of the road in any residential areas. There are also other factors that must be considered : utility right-of-ways, preserving property values, public safety, and setting a standard that is inconsistent with the neighborhood are just a few.

Adam Mengel, AICP, LEED AP BD+C

From: Ray <[redacted]ptd.net>
Sent: Sunday, January 11, 2026 10:25 AM
To: Adam Mengel, AICP, LEED AP BD+C; Simone Kenny, AICP
Cc: Raymond Royer
Subject: Fwd: Swim jet installation
Attachments: Letter 01-09-2026.pdf

To whom this concerns,
Please summit this into my file for 1/12/2026 5:30 pm. schedule appeal meeting. This is a follow up about the sales manager Chris having a general conversation Speck installation with a neighboring party.
Chris was not aware of his conversation or email exchange was going to be used for an outside reference, like a neighbor installation being a mixed pool equipment or the environment being by salt conditions to hurricane zones.

Thanks,
Raymond Royer

Sent from my iPhone

Begin forwarded message:

> **From:** Ray <[redacted]ptd.net>
> **Date:** January 9, 2026 at 1:21:44 PM EST
> **To:** Chris Doyle <c.[redacted]speck-pumps.com>
> **Subject: Re: Swim jet installation**
>
> Chris,
> Perfectly Balanced with explaining and thanks.
> Ray
> Sent from my iPhone
>
> > On Jan 9, 2026, at 11:38 AM, Chris Doyle <c.[redacted]speck-pumps.com> wrote:
> >
> > Hey Ray,
> >
> > See the attached letter in reference to the pool equipment situation. Please let me know if you have any questions.
> >
> > Regards,

Chris Doyle
Southeast Regional Sales Manager

Speck Pumps • 8125 Bayberry Road •Jacksonville, FL 32256 • USA
Phone: 904-739-2626 | **Cell: 904-314-3050** | **Fax:** 904-737-5261
E-mail: C.[redacted]speck-pumps.com | **Website:** www.speck-pumps.com

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<Letter 01-09-

26.pdf>

Hey Ray,

This message is intended to provide clarification from Speck Pumps' perspective regarding a prior technical discussion.

The original conversation and related emails were part of a general, informational exchange concerning the BADU swim jet system Package D and its typical height and installation requirements. That discussion was limited in scope and intended solely to address general system requirements under standard installation scenarios.

It has since come to our attention that this information was referenced in relation to an overall pool equipment configuration that was not discussed in the prior conversation. Other swimming pool products—such as pool pumps, salt systems, filtration equipment, and heat pumps—may have different sizing or installation requirements that fall outside the scope of the BADU swim jet system.

While we cannot speak to the installation guidelines or requirements of other swimming pool equipment manufacturers, it is our general opinion that minimizing prolonged exposure to salt air will contribute to improved longevity of most pool equipment.

From the manufacturer's standpoint, we do not evaluate, approve, or disapprove site-specific structures, neighboring installations, or local zoning interpretations. Any application of our general guidance to a specific project should be reviewed by the appropriate design professionals, installers, or local authorities to ensure compliance with all applicable codes and conditions.

We remain available to provide general technical information related to the swim jet system itself, should it be helpful; however, we are not positioned to arbitrate or interpret matters between neighboring parties.

Please feel free to reach out if additional technical clarification is needed regarding the swim jet system.

Best Regards,

Chris Doyle
Southeast Regional Sales Manager

Adam Mengel, AICP, LEED AP BD+C

From: Ray <[redacted]ptd.net>
Sent: Sunday, January 11, 2026 11:20 AM
To: Adam Mengel, AICP, LEED AP BD+C; Simone Kenny, AICP
Cc: Raymond Royer
Subject: Between 3388-3398 N. Ocean Shore Blvd.

To whom this concerns,

This is one of three pool structures larger than 4' in height within plus or minimize one mile from 3 Pelican Lane , Flagler Beach. This property is located in the RC corridor that stretches north on A1A by Zoning and Planning.

This is a new structure being constructed behind the home with a large pool and homeowner planning in commendation pool housing within feet of the pool. This structure appears to be 12' in height and approximately 500 plus sqft.

The pool housing structure is a very close match of the main structure that is three stories in height. The pool house structure was also built in block with a mental roof.

Please note this into my file as well for 01/12/2026 5:30 pm. repeal hearing.

Thanks,
Raymond Royer







Sent from my iPhone

From:	Mo Brunk
To:	Adam Mengel, AICP, LEED AP BD+C; Planning Dept
Subject:	Project No. 2025080063 – Request for an Appeal of the Planning and Development Board's Decision
Date:	Monday, January 12, 2026 2:43:39 PM

Dear Mr. Mengel and the Planning Department,
I am requesting the Commissioners uphold the Planning Board's decision. Mr. Royer has **NOT** been deprived of all reasonable use of the property as allowed in the zoning district. Quite the opposite, he has been granted the variances necessary to have a pool, pool deck, and pump house; there is no longer a hardship.

In deciding, the Board of County Commissioners must make three determinations: the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or observe the essential requirements of law. All 3 determinations were successfully met by the Planning and Development Board.

Mr. Royer is creating a self-induced hardship by insisting on an over-sized pump house. If he doesn't feel the 4-foot height is adequate and he cannot build the pump house he desires with the variances granted, then perhaps this is not the ideal lot for him.

The other homes in the neighborhood with pools have not requested any special variances for their pool pumps; there is no need to set a precedence for over-sized buildings on small lots.

The requirements specify "A variance, if granted, shall be the minimum variance necessary to alleviate the hardship". The board has granted Mr. Royer the necessary variances for the pool and pump house; he has not been denied use of his property. Please do not overturn the Planning Board's decision regarding an over-sized pump house.

There is no competent, substantial evidence in the official record that Mr. Royer has unnecessary hardship; therefore, the Commissioners should affirm the Planning Board's decision.

Maureen & Andrue Brunk
5 Cardinal Lane

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 3/27/2026
Last Data Uploaded: 3/27/2026 7:26:59 AM

Developed by SCHNEIDER GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

FLAGLER COUNTY FLORIDA

Flaglercounty.gov
Phone: (386)313-4009

March 26, 2026

«OwnerName» «OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2025080063 – AR No. 5921 – Variance in the R/C (Residential/Limited Commercial) District

Dear Property Owner,

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

> A request has been made by owner Raymond R. Royer Jr., located at 3 Pelican Lane, identified as Parcel Number 23-11-31-5200-00000-0130, for a Variance from the 25 Foot Minimum Street Side (West) Setback Requirement for a Pump House and a Variance from the Maximum Allowed Lot Coverage in the R/C (Residential/Limited Commercial) District.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell, Florida, on **April 14 , 2026** beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,
Hannah Lademann

Hannah Lademann
Planner

NOTE: PURSUANT TO SECTION 286.0105. FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHEWILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance	Greg Hansen	Kim Carney	Leann Pennington	Pam Richardson
District 1	District 2	District 3	District 4	District 5

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip
23-11-31-1700-00000-0090	HOGAN JAMES A &	DEBORAH A H&W	12 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136
23-11-31-4790-00000-0290	ROANE DONALD T &	DONNA W H&W	344 SAINT JOHNS FOREST BOULEVARD		SAINT JOHNS, FL 32259
23-11-31-5300-00000-0210	BRUNK ANDRUE E	& MAUREEN O H&W LIFE ESTATE	5 CARDINAL LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0180	HARRIS RENE DAWN & JEFFREY D	RIZK	3 CARDINAL LANE		FLAGLER BEACH, FL 32136
23-11-31-1700-00000-0110	STEINBRING ANNE L & DAVID B BUSCH H&W		8 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0060	HARE ROBERT & NATALIE	DIEDERICH H&W	12 PELICAN LN		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0110	ELLSBURY CHARLES E & LINDA M	H&W	9 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0170	OCONNELL DANIEL E & JACQUELINE	A OCONNELL H&W	3617 REDFIELD DRIVE		GREENSBORO, NC 27410
23-11-31-1700-00000-0020	LUKUCH GRAZYNA	LIFE ESTATE	1239 OCEAN SHORE BOULEVARD APT 9E		ORMOND BEACH, FL 32176
23-11-31-1700-00000-0120	BENOIT GEORGE E JR LIFE ESTATE		17 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0120	WALLS NANCYE WINDSOR		89 WESTFIELD LANE		PALM COAST, FL 32164
23-11-31-1700-00000-0130	FRASER DEREK GUY TRUSTEE &		343 BLUE HAMPTON DRIVE		PONTE VEDRA, FL 32081
23-11-31-5300-00000-0050	GORDO INVESTMENTS MANAGEMENT LLC		4070 N CHINOOK LN		ORMOND BEACH, FL 32174
23-11-31-1700-00000-0010	HINMAN JANET F TRUSTEE		7 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0230	OCONNELL JACQUELINE & DANIEL E	OCONNELL W&H	3617 REDFIELD DRIVE		GREENSBORO, NC 27410
23-11-31-5300-00000-0040	MCAULIFFE HEATHER	& KINDRA MCCULLOUGH JTWROS	8 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0160	HOYT DAVID HOUSTON	LIFE ESTATE	3880 MARTIN STREET		ORLANDO, FL 32806
23-11-31-5300-00000-0130	ROYER RAYMOND R JR & JANICE L	PAXSON	3 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-1700-00000-0140	FRASER DEREK G TRUSTEE		343 BLUE HAMPTON DRIVE		PONTE VEDRA, FL 32081
23-11-31-5300-00000-0030	MCKAIG SERRA		213 W VIRGINIA AVENUE		DELAND, FL 32720
23-11-31-4790-00000-0300	CORNERSTONE REALTY AND TRUST LLC		35 N RIVERWALK DR		PALM COAST, FL 32137
23-11-31-5300-00000-0240	TASLIDZIE ESAD		5922 CORAL LAKE DRIVE		POLMANO BEACH, FL 33063
23-11-31-5300-00000-0150	ANESGART ALICE E LIFE ESTATE		3126 N OCEAN SHORE BOULEVARD		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0020	CASTILLO MANUEL & CARIDAD H&W		3110 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0140	SCUDDER ROBERT KIRK	& GINA MARIE CASTELLO JTWROS	3118 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-4790-00000-0310	SCHWEITZ FREDRICK O		400 SW 48TH STREET RD		OCALA, FL 34474
23-11-31-5300-00000-0010	JANECZEK THOMAS		3110 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-1700-00010-00B0	HICKS JOHN	& BRITTANY H&W	1001 TEMPLE GROVE PLACE		WINTER GARDEN, FL 34787
23-11-31-1700-00010-00C0	POKORSKY THOMAS M & MICHELE M	POLORSKY H&W	3131 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-0000-02110-0000	THREE SISTERS INVESTMENTS LLC		3206 SANDY RIDGE DR		CLEARWATER, FL 33761
23-11-31-0000-02100-0000	SHIKANY CHARLES P & KRISTIN	H&W	728 W JACKSON BLVD		CHICAGO, IL 60661
23-11-31-0000-02090-0000	3109 N A1A LLC		DEREK OR JODIE FRASER 343 BLUE HAMPTON DRIVE		PONTE VEDRA, FL 32081
23-11-31-0000-02080-0000	3109 N A1A LLC		DEREK OR jODIE FRASER 343 BLUE HAMPTON DRIVE		PONTE VERDA, FL 32081
23-11-31-2925-00000-0010	MOLLIS KRISTI LYNN		3105 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136

I hereby affirm mailed notice to each owner on 3/26/2026 for the Planning and Development Board meeting on 4/14/2026 at 6:00 pm.

Hannah Lademann, Planner


APPLICATION # 202508006 3
NOTICE OF
PUBLIC HEARING
THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING AT:
FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
1769 E. MOODY BOULEVARD, BLDG 2; BUNNELL, FL 32110
April 14, 2026 @ 6 P.M.
REQUEST: Variance
APPLICANT: Raymond Royer Jr.
Parcel Number: 23-11-31-5300-00000-0130
Zoning District: R/C
THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION, RELATIVE TO THE PROPERTY WHEREON THIS NOTICE IS POSTED.
For additional information visit web page at: www.flaglercounty.gov or call Flagler County Planning & Zoning Department at (386) 313-4009.
DO NOT REMOVE THIS NOTICE PRIOR TO THE PUBLIC HEARING DATE ABOVE

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, April 14, 2026, at 6:00 P.M.

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

   Members Present: Anthony Lombardo, Ron Long (Vice-Chair), Michael Goodman, Timothy Conner, Dan Wilcox and Mark Langello (Chair).

   Members Absent: Michael Boyd (Excused)

   Present: Chuck Merenda, Interim Growth Management Director; Simone Kenny, Senior Planner; and Hannah Lademann, Planner.

   Board Counsel: Sarah Spector, Assistant County Attorney

2. Pledge to the Flag.

3. Approval of March 10, 2026 minutes.

   Motion to approve by: Anthony Lombardo
   Seconded by: Michael Goodman
   Motion carried unanimously.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:
Staff – 10 minute presentation.
Applicant – 15 minute presentation (unless time extended by consensus of Board).
Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

Board Secretary swears in members of the public who will testify on any item on todays agenda.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Project 2026020046 – **REQUEST FOR VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – Request for a Variance in the PUD (Planned Unit Development) District from the Minimum Required Rear Setback at 21 N Riverwalk Drive. Parcel Number: 27-11-31-4890-00000-0740; Parcel Size: 9,026+/- Square Feet (0.21+/- Acres).Owner/Applicant: George and Heather Houck. (AR 6337). *(TRC, PDB)*

   Board Comments: None

Staff Presentation: Simone Kenny, Senior Planner.

Applicant Presentation: George Houck, Owner.

Public Comments: None

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2026020046 for a 5 foot rear (West) yard setback variance from the minimum required 10 foot rear yard setback for a pool and pool deck at 21 N Riverwalk Drive (Parcel No. 27-11-31-4890-00000-0740)

Motion to approve by: Michael Goodman
Seconded by: Dan Wilcox
Anthony Lombardo – Aye
Dan Wilcox – Aye
Timothy Conner – Aye
Michael Goodman – Aye
Ron Long – Aye
Mark Langello (Chair) – Aye
Motion carries unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:
Project 2025080063 – **REQUEST FOR VARIANCE IN THE R/C (RESIDENTIAL) LIMITED COMMERCIAL) DISTRICT** – Request for a Variance in the R/C (Residential/limited Commercial) District for a Pump House at 3 Pelican Lane. Parcel Number: 223-11-31-5300-00000-0130; Parcel Size: 7,500+/- Square Feet (0.17+/- Acres). Owner/Applicant: Raymond Royer Jr. (AR 5921).
(TRC, PDB)

Board Comments: Mr. Conner states he has had small talk with Mr. Royer in and out of various meetings. Mr. Langello concurs that he also said a hello to Mr. Royer in the hall prior to today's meeting.

Mr. Conner asks if this is the No vote from before or if prior applications are supposed to be considered. Ms. Kenny states that this is the same application that we heard in September as it was appealed to the County Commission and remanded back to this Board. Mr. Conner asks if they should consider testimony from the first hearing. Mr. Langello states that it's his understanding we will be hearing new evidence either by the public or by Mr. Royer. Ms. Kenny states that they can hear new evidence today, but the application before us today is essentially the same application that was heard in September.

Staff Presentation: Simone Kenny, Senior Planner.

Mr. Long asks for clarification that the applicant holds an approval for the pool, fence and pump house with a 4' height restriction. Staff confirms.

Applicant Presentation: Raymond Royer Jr., Owner and Peter McGrath, Esq.

Mr. Lombardo states that he appreciates the rendering, he states that this would have given a better perspective of what was being proposed.

Mr. Goodman asks for aesthetic purposes, if a window on the pumphouse was considered. Mr. McGrath states that it has not been contemplated at this time, but if it would accommodate the request, he does not foresee it to be an issue.

Mr. Langello gives Mr. McGrath some historic background on why the 4' height limitation was imposed on the original request. He states that because the structure did not meet the setback and was encroaching well into the setback, to compromise and keep the structure harmonious with the 4' fence.

Mr. McGrath states that he understand the location of the home, but that the structure is within the limitations of the approved variance for the setback. And that while the 4' height structure was given to compromise on the setback request; it makes the project unfeasible.

Mr. Langello asks staff if they can show the five emails that were forwarded to the Board as public comment on the screen. He states that the public has been continually showing up to meetings and making repeat comment, and that they should have a chance to be heard.

Public Comments:

Jackie O'Connell, resident of 8 Mockingbird Lane. States she is also speaking on behalf of Nancy Wells, an adjacent neighbor who is unable to attend. She shows the board an overview photo of the neighborhood. She states that unlike other beachside neighborhoods, they have room, space, and a harmonious community. She states they have no roadside structures and would like to keep it that way. She goes through the variance criteria and states that it is a self-created hardship as he bought a lot that was to small for all his wants and needs. She references an email sent by Mr. Royer that states he may go up to 12' high to quote "to create a small storage area like a small attic". She references in previous Planning Board meetings, the Board has asked for engineering plans to support the need for a higher structure, yet months later this is not available. She references Mr. Royer submitted an example of a pool house being built up the road to the Board of County Commission, however Ms. O'Connell states the Commission was not informed that pool equipment was not enclosed in this pool house and that setback variances were not needed. She references what the street view of the structure would look like should this be approved and that there is no desire for the neighborhood to resemble a zero lot-line neighborhood.

Maureen Brunk, resident of 5 Cardinal Lane. She states that this neighborhood is unlike others, as it is older, established and not full of other variances. She states when looking at the rendering, the property line is less than a yard stick away from the side of the street. She asks if they could imagine looking at a 10' high structure, a yard stick away from the street on a corner lot. She states Mr. Royer is not being denied all reasonable use of the property. She states that this Board needs to consider the neighbors and the 5 lots/homes on Mockingbird who will be affected by a structure less than a yard stick away from there ingress/egress and sightline. She states that there has been talks of aesthetics, but the beauty in the eye of the beholder and to those in the neighborhood, this is a detriment.

Dan O'Connell, resident of 7 Mockingbird Lane. States he is speaking on behalf of Dawn Harris of 3 Cardinal Lane. He references the County's Land Development Code and its variance criteria that states that the request should be the minimum relief necessary to alleviate the hardship. He states with the previously approved variances, that Mr. Royer is not being deprived of all reasonable use of his property. He states that a 10' high structure 2.5' of the property line is not the minimum relief

necessary. He states that it is worth noting that Staff has consistently said in all hearings that this is a self-created hardship. He states he does not believe the code intended the Board to award applicants for creating hardships. He states that the Boards decision should be based solely on the variance criteria, and not considering of the renderings provided and their attractiveness, especially given that they're not to scale as previously stated by the applicant. He states that we have heard no new evidence regarding the pumps that requires an additional height allowance. He states that he took the time to read the 28-page installation manual and the 17-page operation manual. He states that no where in the manual does it say that enclosing the pumps is necessary. He states no one in the neighborhood is opposed to Mr. Royer having a pumphouse. He states they are opposed to a structure of that height less than three feet to the property line, on a corner lot. He again states that Mr. Royer has already been granted the variances needed to build his pool and asks that the Board uphold the intent of the County Code in reference to the variance criteria and deny the request as it is not the minimum relief and he is not being deprived of reasonable use of his property.

Raymond Royer Jr. on rebuttal. In reference to the previous mentioned recommendation not to enclose the pumps, he states the person was not aware when making his recommendation not to enclose them that the pumps were by the ocean and that due to the salt, he would enclose them. He states there are other accessory structures in the neighborhood that are larger in size and have been approved. He states he has previously been told not to talk about other people's properties, but doesn't understand how others are allowed to do so.

Peter McGrath, Esq on rebuttal. He states these are non-curbed streets that in essence blend in with the lots. He states that there are no well defined property lines and the structure does not impede the sightline on the corner lot. He states what is being proposed in innocuous. He states that with respect to the character of the subdivision, this small structure cannot be made to be compromising the character. He repeats that the restrictions of this subdivision have dropped off the title of his client's property. He states this is a good faith proposal with well thought out renderings that will not subtract from anyone's quality of life. He asks the board to consider what is feasible and what is not. He states that for ventilation purposes, safety from salty air, hurricane proof and to adequately accommodate the equipment, that the requested structure is what's feasible.

Mr. Langello states that he has proposed alternative locations to Mr. Royer and has not received any comments. Mr. Royer states that the referenced portion of the house was previously enclosed and he does not know the history of the construction. He states that he does not want to attach his permanent structure to a portion of the house where he is not confident in the construction.

Mr. Langello states that he can assure him, from a contractor's point of view, there are a lot of options and ways to make this fit/work on the lot without that high of a structure. He mentions that it appears Mr. Royer is stuck with this one concept and not exploring all options.

Mr. Royer references that force of the pumps, and his history as a Navy swimmer is why he's choosing the system he's choosing. Mr. Langello commends him for his service and states that he has allowed him to speak without interrupting. Mr. Long applauds his persistence on this application. He states that so many alternative options have been proposed, and that he's so stuck on this one proposal. He states, in his opinion, he does not believe this is solely a pumphouse for him. He states he has heard many times over and over the term storage and he believes this is likely wanting a storage building rather than just a pump house. He states that they are bound to give the minimum relief necessary for the requests, which is for a pumphouse – and that what he keeps asking for is not the minimum relief needed for a pumphouse for pool equipment. He states that if he wants to talk about a storage shed, they'll talk about it but that the application in front of them today is for a pumphouse.

Mr. Royer states that he provided renderings as asked for by this Board. He states as he has mentioned time and time again in all hearings that the primary use of the structure is a pumphouse. He states while he may store a ladder in the building or move his furniture inside during a storm but that it is not a storage building. He states that it may be used for additional storage less than 10 percent of the year. He repeats that the primary use is a pumphouse.

Mr. Goodman states that Mr. Royer is being his own worst enemy right now. He states he does not have a problem with the project. He states that his neighbors may have a personal problem with him. He states there is no issue with the line of sight and that it's not a detriment to the community. He states that perhaps he is squeezing the envelope a little too much, but he doesn't have a problem.

Mr. Lombardo asks staff to clarify the Rubbermaid shed and whether or not Mr. Royer could put that on the property without permission. Ms. Kenny references the County's shed policy that a shed less than 60 sq ft in size does not require a permit, however it still needs to meet setbacks.

Mr. Conner states that it's not about the type of structure, it's about the placement of the structure. He states in order to place a structure of any sort in this location; he would need a variance for the setback.

Mr. Conner states that the legal standard for reviewing and approving a variance is substantial competent evidence, but it is not this Boards responsibility to deny the request based on substantial competent evidence so much as it is Mr. Royer's burden to provide substantial competent evidence that the additional height in the structure is needed to support the pumps for approval. He states the Board has given Mr. Royer direction in the past meets to bring them an engineer who can provide real detail competent knowledge, which would then be substantial competent evidence that says the heat load requires a larger structure. He states there has been a lot of statements alleged tonight that the Board has no substantial competent evidence to support. He states they have already given the minimum relief necessary to accommodate the pool and equipment – and that they have not provided substantial competent evidence tonight that would opt them to change the 4' height limitation.

Mr. Lombardo states that he cleans his own pool/equipment and that you need space to be able to do that. He states that he couldn't imagine putting a 4' high structure there with hydraulic pumps and being able to work in there and get the equipment clean, based on his own experience in cleaning his own pool.

Mr. Conners asks Mr. Lombardo if he has heard any evidence tonight that would lead him to that conclusion other than his own experience. Mr. Lombardo states that it's just his personal experience, and while he's not a professional pool cleaner he believes you need space to do so. Mr. Conners states that while they all have their personal experiences/opinions, that is not the standard for which they review.

Mr. Langello adds on to Mr. Conner's comment in reference to the engineer letter or support, and that that would helpful to have on Mr. Royer's behalf to show the Board a document that gave them that substantial evidence. He states Mr. Royer's response has been that the engineer wouldn't do it or have time for it.

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves

Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane, subject to the following condition;

a. The applicant will provide a window on the front of the structure for aesthetic purposes only. The window does not have to be operable.

Motion to approve by: Michael Goodman
Seconded by: Anthony Lombardo
Anthony Lombardo – Yes
Dan Wilcox – Yes
Timothy Conner – No
Michael Goodman – Yes
Ron Long – No
Mark Langello (Chair) – No
Motion tied 3-3.

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies Project No. 2025080063 on the basis that it doesn't meet the minimum relief necessary for a pump house at 3 Pelican Lane. (Parcel No. 23-11-31-5300-00000-0130).

Motion to deny by: Ron Long
Seconded By: Timothy Conner
Anthony Lombardo – Nay
Dan Wilcox – Nay
Timothy Conner – Aye
Michael Goodman – Nay
Ron Long – Aye
Mark Langello (Chair) – Aye
Motion tied 3-3.

Mr. Langello asks to hear from Ms. Spector on guidance of how to proceed. She echoes Mr. Langello's previous comment that we do need a decision tonight from the Board. She states the Mr. Conners' comments were very poignant in pointing out that the Board has asked for competent substantial evidence and not received competent substantial evidence. She states that the attorney that is here is not an expert and he can't speak to these issues as an expert, and that he has not presented anything from an expert that can speak to these matters. She states the Board is solid in a decision to deny this request and she encourages the Board to reconsider their decision in regard to the tie tonight.

Mr. Goodman proposes to meet in the middle and grant a height of 6' for the structure. He states that he is six feet tall and that he could get into a shed 6' tall. He states that he has pool equipment with pumps at least 3' tall. He states lets meet in the middle and put this to bed.

Mr. Langello responds to Mr. Goodman's proposal and states that he still owns a house right on the ocean, significantly closer and he had all his pool equipment/pumps outside of any structure for 15-20 years. He states after time the equipment had rusted out so he built a pumphouse greater is size to what he's asking for and it all rusted out again anyways. He states not to say its not a good thing to enclose it, but that you don't have to enclose the equipment and that they do function with more air without it. Mr. Langello states meeting in the middle may give him what he

doesn't want. Mr. Langello references that there were options available to Mr. Royer to put the structure in a different location that wouldn't have any issue.

Mr. Goodman states that someone could make a motion to approve the height but require the structure to be up against the house. Mr. Long states that he believes this all boils down to the location of the structure. Mr. Goodman suggest this if he wants an affirmative action tonight. Mr. Conner mentions that they have already approved something he didn't want and it was appealed to the Board of County Commissioners and that if they approve something again he doesn't want they will be back here six months from now doing it all over again. He states that he believes they need to act on the application.

Mr. Langello mentions that they have given a lot of leeway here but they also need to consider that the neighborhood keeps showing up and giving their testimony, and that it matters as well. He states as far as he can recall they have heard no positive remarks from the neighborhood in favor of the request and that they have heard no competent substantial evidence that this is really necessary.

Mr. Goodman mentions that he wonders if the objective is to get a screen from the street. Mr. Langello states that he asked this question to the applicant because that was his opinion as well, and if that is the intent he recommends landscaping but he does not believe that it's the only intent here.

The Board asks Mr. Royer to come back up to see if there is a potential compromise or solution. Mr. Royer states that when he went to the engineering draftsmen, they asked if he already had a permit. He states they told him it would costs a few thousand dollars to draft the plans. He states that he did not want to pay that expense and still not get approval. He states he is not open to tearing down the stucco on his house to connect the structure.

Mr. Goodman suggests taking the structure and flipping the location to the back of the property rather than being on the front corner. Mr. Langello clarifies that Mr. Goodman suggested putting the structure along the back property line. Mr. Royer clarifies that he's willing to do that but it's still going to be away from the primary structure, not attached. Mr. Langello asks from clarification from Mr. Royer if he is amendable to what Mr. Goodman is proposing as a compromise. Mr. Royer states yes, to make this work he is but to have a continuance and he will bring forth a presentation to reflect as much.

Ms. Kenny clarifies that if the pumphouse is moved to the rear and put in line with the house, it is going to require an additional rear setback variance. Mr. Langello clarifies to the applicant that what he is asking for, in and of itself, does not meet the requirements, and will require a variance. He states Mr. Royer will modify his original request with another drawing with substantial evidence on his behalf. Mr. Royer states that he understands this but asks the Board what they would like to see in terms of height and that at minimum he could probably go down to 8' high.

Ms. Kenny clarifies that per our code; the definition of height is the mean roof height which is the average between the bottom and the pitch. She states if the Board has something else in mind when discussing the height, they need to clarify that.

MOTION: The Planning and Development Board continues the variance request to give the applicant time to modify the application. Continuing the variance request to the August 11th Planning and Development Board haring will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

Mr. Langello asks about this side bar happening with Staff. Ms. Spector asks for few minutes to research something brought to their attention.

Ms. Spector clarifies that the concern brought by a member of the public was because the survey was prepared by SWA and signed by Mr. Wilcox, if he should have recused himself like he has done in other cases. She states they have confirmed with Mr. Wilcox and that is their understanding based on the date on the survey that it was not prepared for this variance and as such he had no financial gain from preparation of the survey in advance because of this variance. She clarifies that no recusal was required.

Motion to continue by: Timothy Conner
Second by: Michael Goodman
Anthony Lombardo – Yay
Dan Wilcox – Yay
Timothy Conner – Yes
Michael Goodman – Yes
Ron Long – Yes
Mark Langello (Chair) – Yes
Motion carries unanimously.

6. Staff Comments.

   Ms. Kenny informs the Board of some changes within staff.

7. Board Comments.

8. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

9. Adjournment.
   Motion to adjourn by: Ron Long
   Meeting adjourned at 07:50 P.M.

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM NO. 5

SUBJECT: QUASI-JUDICIAL – Project No. 2025080063 – Request for Variances from the Minimum Required Streetside (West) Setback and Maximum Lot Coverage Requirement for a Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Applicant: Raymond R. Royer, Jr. (AR No. 5921). (TRC,*PDB*)

DATE OF MEETING: August 11, 2026

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of variances from the minimum required left streetside (West) setback and from the maximum allowed lot coverage in the R/C (Residential/Limited Commercial) District. The subject parcel is located West of North Oceanshore Boulevard at 3 Pelican Lane:



On August 22, 2025 Mr. Royer submitted a new application for variances from the minimum required left streetside (West) setback and maximum allowed lot coverage for

a proposed pump house in the R/C District. This request is a before-the-fact variance request, preceding the application for a building permit.

This property is subject to Planning and Development Board Order No. 5274 recorded in Official Records Book 2942, Page 668, Public Records of Flagler County, Florida. It was heard at the February 11, 2025 Planning and Development Board Meeting.

The order granted a series of variances to allow for the construction of the a pool, pool deck, and pump house within the street side (West) setback subject to the condition that the pump house have a height no greater than four (4) feet and be located within the walled-in area.

The owner appealed the condition to Board of County Commissioners at the May 5, 2025 Regular Meeting. The Board voted unanimously to deny the appeal.

The owner then submitted another application with new variance requests pertaining to the pump house (Project No. 2025050045) on May 22, 2025. This application was heard at the July 8, 2025 Planning and Development Board Regular Meeting. A motion to approve failed 2-2. A subsequent motion to continue the request to the August 12, 2025 Regular Meeting with the Board requesting more information passed unanimously.

Following the meeting, staff determined that a tie-vote is a failed vote on the motion, and ultimately is a denial. After informing the applicant, he elected to submit a new application with the same variance requests (Project No. 2025080063). This item, containing the same material variance requests, was heard at the September 9, 2025 Planning and Development Board Regular Meeting. A motion to approve the requests failed 3-3 and was therefore denied.

Mr. Royer then appealed Project No. 2025080083 to the Board of County Commissioners at the January 12, 2026 Regular Meeting. The Board found that a tie-vote was not a basis for denial because it was not competent substantial evidence and remanded the item back to the Planning and Development Board.

Mr. Royer then requested this item be placed on the April 14, 2026 Planning and Development Board Agenda following the March 18, 2026 Technical Review Committee meeting.

The application was heard at the April 14, 2026 Planning and Development Board Regular Meeting. A motion to approve failed 3-3. A subsequent motion to deny failed 3-3. The Board was reminded by Staff that a motion cannot end in a tie, and we will need a decision on this item. Following Board discussion with the Applicant regarding a possible compromise on the request, it was suggested that the Applicant move the structure to the rear of the property in line with the house (potentially requiring an additional variance). A

final motion to continue the request to the August 11, 2026 Regular Meeting with the Applicant requesting more time passed unanimously.

The subject property is described as Lot 13 and the South 8 feet of Lot 16 of River Beach subdivision, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00. Public comments have been received and public comments related to the previous application pertaining to this property (Project No. 2025050045) can be found in the August 12, 2025 Published Agenda or as part of the Record.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
_____ legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD:

APPROVAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E. have been met and therefore approves Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

DENIAL: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E. have not been met and therefore denies Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

ATTACHMENTS: *Use this link to view attachment(s)*
1. Technical Staff Report
2. Application and supporting documents
3. September 9, 2025 Planning and Development Board Minutes (in part)
4. Planning and Development Board Order No. 5291
5. January 12, 2026 Board of County Commissioners Regular Meeting Minutes (in part)
6. Board of County Commissioners Order No. 6024
7. April 14, 2026 Planning and Development Board Minutes
8. Public Notice
9. Public Comment

PROJECT NO. 2025080063
STREETSIDE VARIANCE IN THE R/C DISTRICT
3 PELICAN LANE
TECHNICAL STAFF REPORT

Project No./AR No.: 2025080063/5921

Address: 3 Pelican Lane

Owners: Raymond R. Royer, Jr., and Janice L. Paxson

Applicant: Raymond R. Royer Jr.

Parcel No.: 23-11-31-5300-00000-0130

Parcel Size: 7,500+/- square feet

Legal Description:
Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:
Zoning: R/C (Residential/Limited Commercial) District
Land Use: Mixed Use: Low Density

Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Density/R/C (Residential/Limited Commercial) District
East: Mixed Use: Low Density/R/C (Residential/Limited Commercial) District
South: Pelican Lane; Mixed Use: Low Density/R/C (Residential/Limited Commercial) District
West: Mockingbird Lane; Residential: Low Density Rural Estate/R-1 (Rural Residential)

Flagler County Land Development Code (FCLDC) Sections Affected: Section 3.02.04, *Lots of Record*; Section 3.03.13, *R/C – Residential/Limited Commercial District*; Section 3.07.03, *Procedure for variances and special exceptions*; and Section 3.07.03.E, *Variance guidelines*.

FCLDC Sec. 3.03.13.E.2 – Minimum Setback Requirements for Structures (for the R/C District):

Front yard —Thirty-five (35) feet if property depth exceeds one hundred (100) feet.
—Twenty-five (25) feet if one hundred (100) feet or less.
Rear yard — Twenty (20) feet.
Side yard interior lot — Seven and a Half (7.5) feet.
Abutting any street — Twenty-five (25) feet.

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

FCLDC Sec. 3.02.04.G – Lots of Record
Front Yard—25 feet
Rear Yard—20 feet
Side Yard—7.5 feet
Street Side Yard—20 feet

Summary of the Request:
The owner is seeking a new street side setback variance and lot coverage variance for a proposed pump house to supersede the variance approvals granted through Planning and Development Board Order No. 5274, recorded in Official Records Book 2942, Page 668, Public Records of Flagler County, Florida, at the February 11, 2025 Planning and Development Board Meeting.

Planning and Development Board Order No. 5274 granted a 25 foot street side (West) yards setback variance from the minimum required 25 foot street side setback for a pool and pool deck; a 3.49 foot rear (North) yard setback variance from the minimum required 10 foot rear setback for a pool and pool deck; a 23 foot street side setback (West) yard setback variance from the minimum required street side setback for a pump house; and a 0.82 percent variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district subject to the condition that the pump house be within the walled-in area of the pool and pool deck, and with its height not to exceed four (4) feet.

The owner submitted an application to Appeal the Planning and Development Board's Decision regarding the pump house maximum height condition. The Appeal was heard by the Flagler County Board of County Commissioners at the May 5, 2025 Regular Meeting. The Commission voted unanimously to deny the appeal on the basis that the Planning and Development Board's decision was supported by competent substantial evidence, that due process was accorded to the applicant, and the essential requirements of the law, primarily the four criteria for variances within the LDC, had been observed.

Although the appeal was denied, FCLDC Sec. 3.07.03 – *Procedure for variance and special exception* – does not prohibit a property owner or applicant from modifying or reapplying for a variance following an undesired condition or denial. This notably differs from LDC Sec. 3.07.05.G – *Procedures for requesting a rezoning – Frequency of application* – which states that a property owner shall not initiate action affecting the same parcel of land more often than once every six months. The property owner has elected to submit a new variance application.

The owner submitted the new variance application (Project No. 2025050045) on May 22, 2025. The request was to place a pump house, with a base of 12 feet by 8 feet, with a height of 7 feet 6 inches (measured at 9 feet 3 inches at the peak of the roof), 2 feet 8 inches from the left (West) street side property line. The pump house would abut the front (South) yard setback line and be located 3 feet 4 inches from the southwest corner of the existing dwelling. The applicant has submitted various digital renderings to showcase that the pump house would be designed and built to be consistent with the character of the existing dwelling.

The requested variances were for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback (0.66 feet less than the previously approved 23 foot street side setback) and a 1.2 percent lot coverage variance (0.38 percent more than the previously approved 0.82 percent lot coverage variance). The increase in lot coverage is due to the proposed pump house dimensions increasing from 12 feet by 6 feet to 12 feet by 8 feet. The approval of the new variance requests would supersede the previous variance requests for the pump house as well as the Board's condition to limit the height to four (4) feet and locate it within the walled-in area. The previous variance requests for the pool and pool deck would remain valid.

The May 22, 2025 application was heard at the July 8, 2025 Planning and Development Board Regular Meeting. A motion to approve failed through a 2-2 tie vote. A subsequent motion to continue the request to the August 12, 2025 Regular Meeting with the Board requesting more information passed unanimously.

At the August 12, 2025 Regular Meeting, a motion to approve again failed through a 2-2 tie vote. At staff's request for a decision that would yield an affirmative (passed) motion, a motion to continue the request to the September 9, 2025 Regular Meeting passed unanimously.

Following the meeting, staff determined that a tie vote is a failed vote, and ultimately is a denial of the application request. After being informed of this determination, the applicant elected to submit a new application with the same variance requests. Because the application has not materially changed, staff did not require the application to be reviewed by the Technical Review Committee (TRC) again.

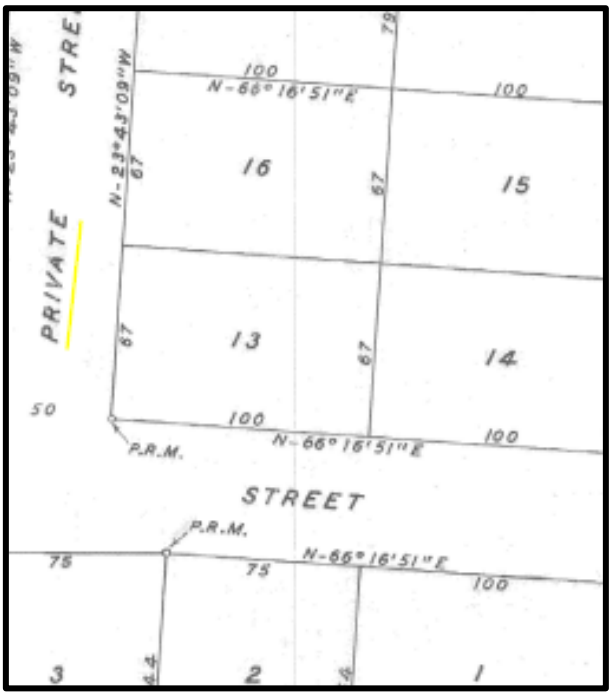
The new request (Project No. 2025080063) was heard at the September 9, 2025 Planning and Development Board regular meeting. A motion to approve failed 3-3 and was therefore denied.

The applicant then appealed the denial to the Board of County Commissioner's at the January 12, 2026 Regular Meeting. The Board found that a tie-vote was not a basis for denial because it was not competent substantial evidence and remanded the item back to the Planning and Development Board.

The application was heard at the April 14, 2026 Planning and Development Board Regular Meeting. A motion to approve failed 3-3. A subsequent motion to deny failed 3-3. The Board was reminded by Staff that a motion cannot end in a tie, and we will need a decision on this item. Following Board discussion with the Applicant regarding a possible compromise on the request, it was suggested that the Applicant move the structure to the rear of the property in line with the house (potentially requiring an additional variance). A final motion to continue the request to the August 11, 2026 Regular Meeting with the Applicant requesting more time passed unanimously.

The subject property is 7,500+/- square feet in size having a width of 100 feet and a depth of 75 feet, and is described as Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

According to the plat of River Beach, Lot 13 and the 8 southerly feet of Lot 16 are depicted as (at Map Book 5, Page 36, Public Records of Flagler County, Florida):



According to the Flagler County Property Appraiser records, the existing nonconforming dwelling was built in 1979, predating the adoption of the Flagler County Land Development Code. The owners, Mr. Royer and Ms. Paxson, purchased the property though a Warranty Deed dated September 22, 2017, and recorded in Official Records Book 2231, Page 845, Public Records of Flagler County, Florida.

A 1978 Warranty Deed – from Albert G. and Leola R. Jones to Bertis W. and Alma M. Harris – dated January 3, 1978 and recorded on January 9, 1978 at Official Records Book 98, Page 436, Public Records of Flagler County, Florida, conveyed all three lots – Lots

13, 16, and 23 – together as a single parcel. The parcel's present configuration – with all of Lot 13 and the South 8 feet of Lot 16 – was conveyed – through the Warranty Deed from Bertis W. and Alma M. Harris to Edwin and Patricia Friday dated March 5, 1979 and recorded on March 6, 1979 at Official Records Book 117, Page 673, Public Records of Flagler County, Florida – just over a year later, and generally coinciding with the timing of the construction of the single-family dwelling.

The owner has not begun the permitting process to build the pool, pool deck, or pump house. This is a before-the-fact variance request.

Variance Guideline Analysis:
LDC Section 3.07.03.E, *Variance guidelines,* states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

   Applicant's response: Subject to hardship due to sqft being undersized to meet 9,000 sqft guildlines. This property is a corner lot that is undersized as hugely burden by zoning setbacks for 9,000 sqft properties.

   Staff analysis: The subject property is an undersized Lot of Record being part of the River Beach subdivision dating back to 1959 and being approximately 1,500 square feet under the minimum lot size of 9,000 square feet in the R/C district.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and*

   Applicant's response: I've been in good faith by first applying for this applications. All other permitting for electric, plumbing to building will be apply for in separate application in good faith.

   Staff analysis: This is a before-the-fact variance request, and the applicant is seeking permission before applying for a building permit.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

   Applicant's response: This proposal don't cause no detriment to the public health, welfare, safety and morals of the community of Riverbeach Subd. The proposal does not impair anyone's views of the subd. Amenities of the River or Beach in our convants [illegible].

   Staff analysis: The granting of a variance will not cause substantial detriment to the public health, welfare, safety, and morals of the community. The applicant has submitted renderings showing that the pump house will be designed and built to be consistent with the existing dwelling.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

   Applicant's response: Shed permitting policy April 17, 2012 sheds 61 sq ft to 100 sq ft. The proposals are 72 to 92 sq ft pool house shed.

   Staff Analysis: Pools, pool decks, and pump houses are permitted accessory uses and structures within the R/C zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant response: Refer to section 3. And without a hardship and variance granted the applicant will be deprived of all safe reasonable use of the property.

Staff Analysis: The newly proposed location of the pump house reduces the necessary relief for the street side setback but increases the necessary relief for lot coverage. The current four-foot height limitation does reduce the accessibility and use of the pump house. While the requested variances are before-the-fact and the property is an undersized Lot of Record, the hardship is self-created.

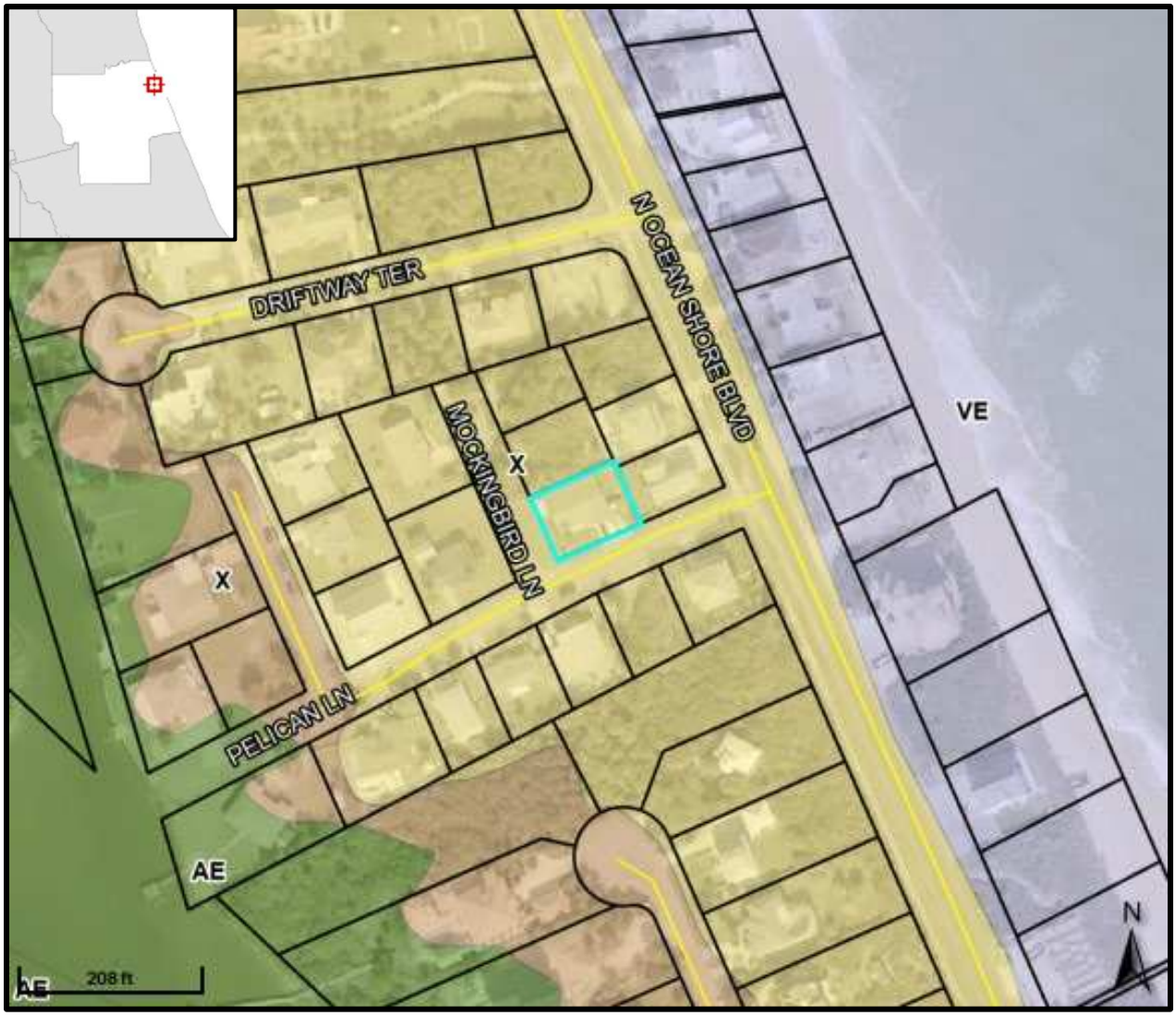
Future Land Use Map



Zoning Map


RESIDENTIAL/COMMERCIAL
RESIDENTIAL/COMMERCIAL
DRIFTWAY TER
N OCEAN SHORE BLVD
RESIDENTIAL/COMMERCIAL
RURAL RESIDENTIAL
MOCKINGBIRD LN
RESIDENTIAL/COMMERCIAL
RESIDENTIAL/COMMERCIAL
PELICAN LN
RURAL RESIDENTIAL
URBAN SINGLE-FAMILY RESIDENTIAL
RURAL RESIDENTIAL
URBAN SINGLE-FAMILY RESIDENTIAL
208 ft
N

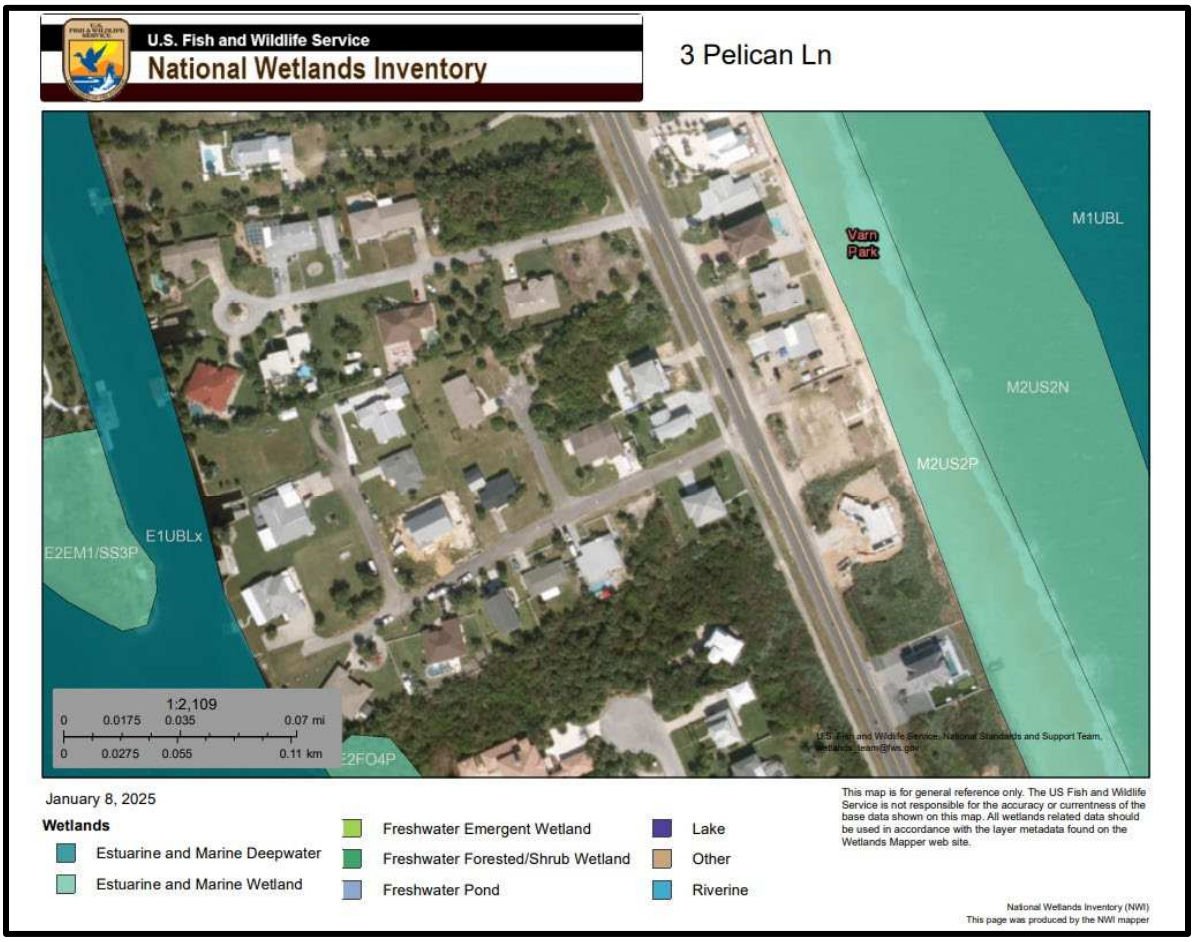
Flood Zone Map



Soils


35
Quartzipsamments, dredged
31 Plam Beach gravelly sand, 0 to 8% slopes
32 Narcrossee, shell subtratum-Welaka complex, 0 to 5% slopes
DRIFTWAY TER
N OCEAN SHORE BLVD
MOCKINGBIRD LN
PELICAN LN
32
33
35
31
26
99
32
26
208 ft
N

Wetlands


U.S. Fish and Wildlife Service
National Wetlands Inventory
3 Pelican Ln
M1UBL
Varn Park
M2US2N
M2US2P
E1UBLx
E2EM1/SS3P
E2FO4P
1:2,109
0 0.0175 0.035 0.07 mi
0 0.0275 0.055 0.11 km
U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov
January 8, 2025
Wetlands
Estuarine and Marine Deepwater
Estuarine and Marine Wetland
Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Freshwater Pond
Lake
Other
Riverine
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.
National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)		
Name(s):	RAYMOND R ROYER JR.	
Mailing Address:	3 PELICAN LANE	
City: FLAGLER BEACH	State: FLORIDA	Zip: 32136
Telephone Number (610) 636-5826		Fax Number

APPLICANT/AGENT		
Name(s):	RAYMOND R. ROYER JR.	
Mailing Address:	3 PELICAN LANE	
City: FLAGLER BEACH	*State:* FLORIDA	*Zip:* 32136
Telephone Number (610) 636-5826		*Fax Number*
E-Mail Address:	fatboy6@ptd.net	

SUBJECT PROPERTY		
SITE LOCATION (*street address*):	3 PELICAN LANE: WEST SIDE INCLUDING NORTH AND SOUTH	
LEGAL DESCRIPTION: *(briefly describe, do not use "see attached")*	POOL HOUSING STRUCTURE 92 sqft. 8' W x 12' L x 9'7" HEIGHT AT PEEK OF GABLE ROOF	
Parcel # (*tax ID #*):	23-11-31-5300-00000-0130	
Parcel Size:	7,499,556	
Current Zoning Classification:	SINGLE FAMILY RC-1	
Current Future Land Use Designation	SINGLE FAMILY	
Subject to A1A Scenic Corridor IDO?	☐ YES	☒ NO

Relief Requested: HARDSHIP RELIEF ON UNDERSIZE LOT, VARIANCE RELIEF FOR POOL HOUSING STRUCTURE ON HEIGHT ~~AND PERIMETER~~ OR ROOF COVERAGE

R R R Jr. 8/22/2025

Signature of Owner(s) or Applicant/Agent if Owner Authorization form attached — Date

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]
*APPROVED WITH CONDITIONS [ ]
DENIED [ ]

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16

APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

FLAGLER COUNTY FLORIDA

Subject Property: 3 PELICAN LANE, FLAGLER BEACH

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that: HARDSHIP ON 7,499. SSG UNDERSIZED LOT. THIS POOL HOUSING STRUCTURE WILL ADD PUBLIC HEALTH & SAFTY TO WELFARE.

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and HARDSHIP DUE TO UNDERSIZE LOT SQFT. IN MEETING THE 9,000 SQFT. GUIDLINES, THIS PROPERTY IS A CORNER LOT AND IS UNDER BURDENSOME IN TRYING TO MEET THE NEW 9,000 SQFT GUIDELINES SET BY ZONING & PLANNING.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and I'VE ALWAYS BEEN IN GOOD FAITH AND HAVE TRIED TO MEET SUGGESTIONS BY THE ZONING & PLANNING BOARD. I BELIEVE THAT ALL SUGGESTIONS HAVE BEEN EXHAUSTED. THIS NEW APPLICATION IS THE BEST SUITED FOR THE INSTALL OF ELECTRICAL TO MOTORIZED COMPONENTS AND MAINTENCE TO KEEPING OUT OF THE WEATHER.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and THIS PROPOSAL DON'T CAUSE NO DETRIMENT TO THE PUBLIC HEALTH OR SAFTY WELFARE. THIS PROPOSAL DOES NOT IMPAIR ANYONE'S VEIWS OF THE SUBDIVSION TWO AMENITES OF RIVER BEACH COMMUNITY, THE COVANTS ARTICLES AND RESTRICTIONS FROM 1959 IS ON PROPERTY LINES 4' HEIGHT RESTRICTION.

4. No variance may be granted for a use of land or building that is not permitted by this article.

THIS POOL HOUSING MEETS SHED PERMITING POLICY APRIL 17, 2012 OF 121 SQFT. TO 100 SQFT. IN BOTH CASES NEITHER HAVE TO FULLY DIVULGE WHAT THE STRUCTURE USE WILL HOUSE. I'VE HAVE IN GOOD FAITH FULLY DIVULGE MY INTENSION OF USE AND WILL SUMMITT PROPER PERMITS.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district. WITHOUT HARDSHIP AND VARIANCES BEING GRANTED TO BUILD OF SAFE POOL HOUSING FOR MY FAMILY AND SUBDIVISION COMMUNITY, THIS STRUCTURE IS BEING BUILT TO MATCH MY HOME TO ADD FUTURE VALUE FOR MY FAMILY AND FOR RIVER BEACH SUBDIVISION.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16

Instrument No: 2017033195 9/22/2017 4:29 PM BK: 2231 PG: 845 PAGES: 2 DOCTAX PD $2,660.00
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

Prepared by and return to:
Seth D Corneal
Manager/Member
First Shore Title LLC
509 Anastasia Blvd
Saint Augustine, FL 32080
904-687-2247
File Number: **FS17-015**
Will Call No.:

Parcel Identification No. **23-11-31-5300-00000-0130**

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this **22nd** day of **September, 2017** between **Harold Arthur Kretzer and Lori Ann Kretzer** whose post office address is **PO Box 1788, Bunnell, FL 32110-1788** of the County of **Flagler**, State of **Florida**, grantor*, and **Raymond R. Royer, Jr. and Janice L. Paxson**
whose post office address is **3 Pelican Lane, Flagler Beach, FL 32136** of the County of Flagler County, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Flagler County, Florida**, to-wit:

Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: SETH D. CORNEAL

Karen Jennifer Cook
Witness Name: Karen Jennifer Cook

Harold Arthur Kretzer (Seal)

Witness Name: SETH D. CORNEAL

Karen Jennifer Cook
Witness Name: Karen Jennifer Cook

Lori Ann Kretzer (Seal)

Unofficial Copy

DoubleTime®

State of Florida
County of Saint Johns

The foregoing instrument was acknowledged before me this 22nd day of September, 2017 by Harold Arthur Kretzer and Lori Ann Kretzer, who [_] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: SETH D. CORNEAL

My Commission Expires: APRIL 30, 2018

SETH DAVID CORNEAL
MY COMMISSION # FF 113594
EXPIRES: April 30, 2018
Bonded Thru Budget Notary Services

Unofficial Copy

NOTE:
1. Fence gates installed on both ends of patio
2. Width of patio not too exceed 18'-6" to ensure property line is withheld

WOODED AREA

10' 5' 10'

50' Right of Way

25' Center of Road

20'-6"

GRASS

DECK

3 Pelican Lane

48' 40'

9' x 14'

5'

4'

12' x 8' x 7'-6"
9'-3" Roof Peak

7'-5"

Property Line to Wall 2'8"

MOCKINGBIRD LANE

* Pump House extends 2' beyond the house

25' 27'

Pump House View 1



10' Easement

Pump House View 2



50' Right of Way

30' 15'

PELICAN LANE

N

2147

Sheet Title

Designed by | Created by | Checked by

731 Industrial Court, Cherryville PA
6108496791
Anthony@fsdesignsolutions.com

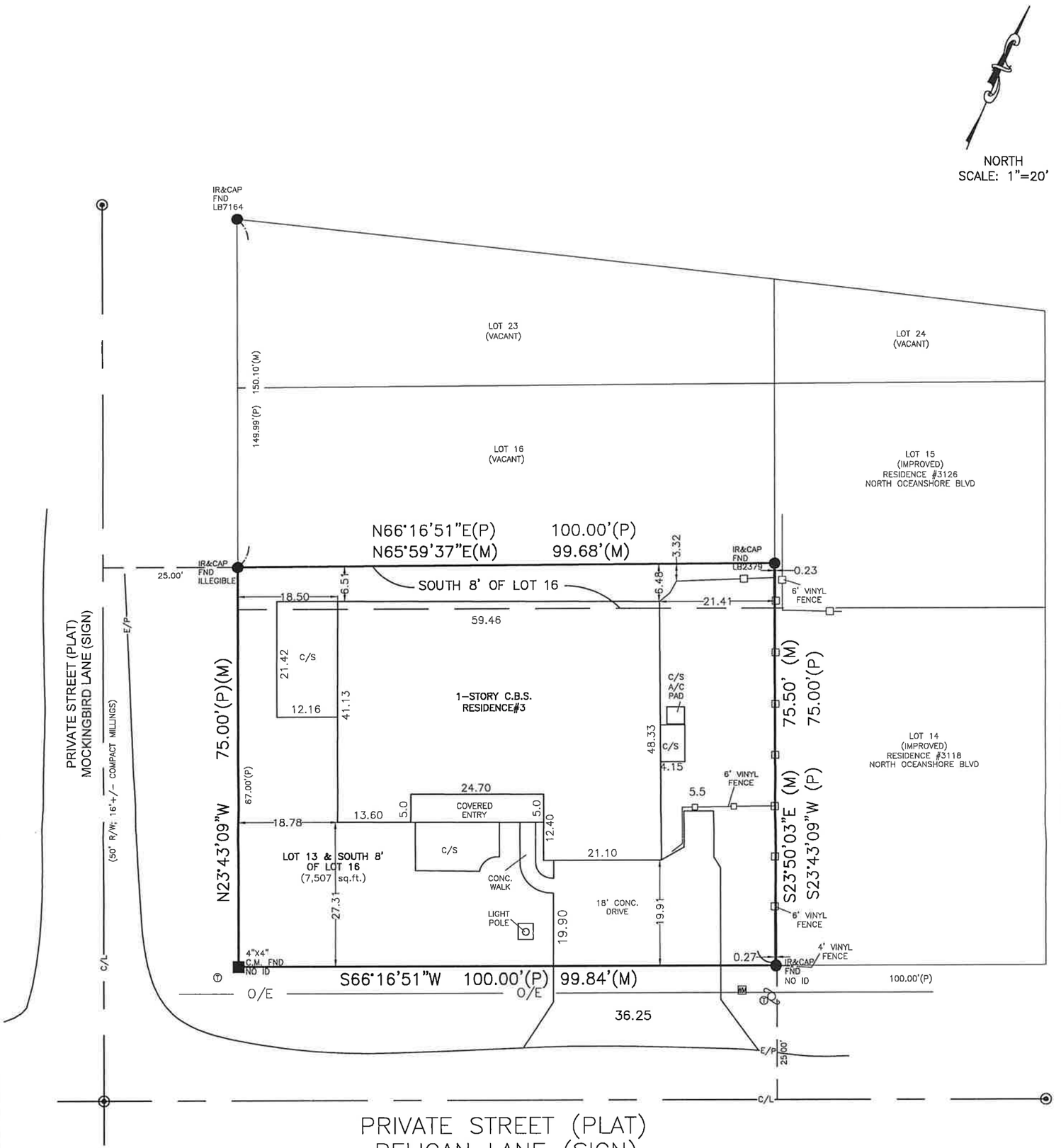
3 Pelican Lane
Flagler Beach FL

5/3/2025 Date
2147 Job Number
001 File Number

1 of 3

ADDRESS: 3 PELICAN LANE

JOB #24-3014



PRIVATE STREET (PLAT)
PELICAN LANE (SIGN)
(50' R/W; 28' SHELL ROAD)

REVISIONS:
--

TYPE OF SURVEY: BOUNDARY / LOCATION
NOTE: THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

DESCRIPTION: LOT 13 AND THE SOUTH 8 FEET OF LOT 16, RIVER BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 5, PAGE 37, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

O IR	1/2" Iron Rod set "LB7672"	(D)	Deed Bearing & Distance	PT	Point of Tangency	A/C	Air Conditioner Pad
● IR	5/8" Iron Rod found	(P)	Plat Bearing & Distance	PI	Point of Intersection	EQP	Pool Equipment Pad
● IP	1/2" Iron Pipe	(M)	Measured Bearing & Distance	U.E.	Utility Easement	PEP	Pretreatment Effluent Pumping Tank
O N/D	Nail and Disk set "LB7672"	(C)	Calculated Bearing & Distance	D.E.	Drainage Easement		
● N/D	Nail and Disk found	C/L	Center Line	L.E.	Landscape Easement	O/E	Overhead Electric
◉ PCP	Permanent Control Point	E/P	Edge of Pavement	N.G.V.D.	National Geodetic Vertical Datum		P/P – Power Pole
□ CM	Concrete Monument set	E/R	Edge of Road	N.A.V.D.	North American Vertical Datum	Ⓜ	Manhole
■ CM	Concrete Monument found	R/W	Right of Way	MSL	Mean Sea Level	Ⓣ	Telephone Riser
PRM	Permanent Reference Monument	Δ	Delta	B.M.	Bench Mark		Cable Television Riser
FND	Found	R	Radius	T.B.M.	Temporary Bench Mark	Ⓕ	Fiber Optic Riser
LB	Licensed Business	L	Length	TOB	Top Of Bank	WM	Water Meter
LS	Licensed Surveyor	CB	Chord Bearing	TOE	TOE of slope		Electric Meter
PSM	Professional Surveyor & Mapper	CH	Chord Distance	F.F.	Finish Floor Elevation		Fire Hydrant
O.R.	Official Records Book	PC	Point of Curvature	INV.	Invert		Water Valve
PG.	Page	PRC	Point of Reverse Curvature	C.B.S.	Concrete Block & Stucco		Wood Fence
		N.R.	Non-Radial Curve	Conc.	Concrete		Vinyl Fence
				C/S	Concrete Slab		Chain Link Fence

NOTES:
1. The entire map encompassing this survey is recorded in Map Book 5, Pages 36-37.
2. No elevations shown on survey.
3. Underground improvements and utilities not located.
4. Bearings refer to plat datum and to the centerline of PELICAN LANE as being N23°43'09"W.
5. Description provided by client.
6. No search for encumbering instruments was made by surveyor.
7. Error of closure meets or exceeds 1:7500 feet.
8. Fences shown are located with an accuracy of ±0.2'.

CLIENT INFO
RAYMOD ROYER
3 PELICAN LANE
PALM COAST, 32136

STEPHENSON, WILCOX & ASSOCIATES, INC. CA#27726·LB#7672
2729 E. Moody Blvd., Ste. 400
PO Box 186 Bunnell FL 32110
Phone: 386.437.2363 · Email: info.swa@gmail.com
CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS

JOB TYPE:	FIELD DATE	OFFICE DATE	JOB NO.	BY:
Boundary	07/17/24	07/31/24	24-3014	MM
Site Plan				
House Stake				
Formboard				
Foundation				
Final				

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.

07312024

DAN A. WILCOX Jr., PSM No.5749, PE No. 57633
Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

SHEET 1 of 1

\\Mycloudpr4100\swa-01\CAD SERVER 2014NOV12\SWA\Cad Server\sdsk projects\0000-Flagler\000-PLATS\RiverBeach\Lot 13.dwg

From: Ray
To: Simone Kenny, AICP
Subject: Re: August 12, 2025 Planning and Development Board Agenda
Date: Friday, August 29, 2025 4:03:42 PM

Hello Simone ,

I only have an ordinance document of 2012 for building a small, medium or large second detached structure on one's property. My application renewal states the medium size of 62 sqft. to 100 sqft.. I seem to have trouble reaching what are the minimum height required for small , medium or large sized structures.

Plus I've had two different applications with a work shop of some departments present to Adam Mengal stating my request can reach the height up to 12' and any further needs I believe another variance request.

So as of now I've been approved for the 12' L x 8' W to the 9'7" H being restricted to 4' minimum height. So where is members of the Zoning and Planning Board arriving on such 4' restricted height. This restriction will bring hardships for installing the mechanical equipment and to safely maintain and make repairs.

This wasn't brought up in early statements in front of the Zoning and Planning but was at earlier workshops. At these workshops I was directed by staff many of these components will need permits after building the Pool House structure.

Examples : like plumbing to electrical and to meeting all building codes for the requested structures including the 4' wall to pool and 12' L x 8' W x 9' 7" H of building structure for the Pool House.

I've tried to reach other placements for the Pool House to reach only further hardships by elements of existing home construction to going outside recommended engineering specifications for the installation of the swimming jets system.

To the Height I requested earlier for 10' variance but trying to attain the 9'7" to hopefully not exceed after final roofing material is completed. I will also state that if possible to go lower than 9'7" if it brings a better matching of the gable roof on the main residence home. I've also stated from the previous review hearing that this Pool House will match my residential home.

Examples: Will be on a code approved 12' L x 8 ' W slab foundation and 8' wall matching block. The gable roof will match but may be a metal roof application.

I've always been in good faith about this application request and have shared above information than really required.

FYI : To Dan statements of Chris from a Manufacturer Distributor Wholesaler. Chris basically stated on my follow up he had a general conversation about the installation of the swimming jets system. Chris stated after learning about my environment of salt air and weather conditions. Chris stated in housing the system will bring less maintenance repairs to better conditions for longer operational periods.

Chris stated he never recommended any housing heights and that he mainly only sales units. He provides engineering advice in literature for peek operations installation instructions. Chris clearly stated all installations are done by pool contractors. The installation are also usually performed to meet their clients high expectations for custom designs that still meet engineering specifications for installation specifications.

I'm putting this in layman terms and hopes to reach a better understanding and consensus by the Zoning and Planning Board.

Please contact me if there is any questions. I will be patiently waiting for how we continue to arrive at 4' as our River Beach Subdivision Restrictions is 4' only on survey property lines. It clearly states no fence and material used is restricted at 4' height.

This was litigated by neighboring parties at the Flagler County Courts ruled 2009 that the

henges over 4' violated the River Beach Subdivision as it blocked the view of one of the amenities being the River Canal.
Thanks,
Raymond R. Royer Jr.
Janice Paxson (Wife)
3 Pelican Lane
Flagler Beach, Florida 32136
(610)636-5826
fatboy6@ptd.net
Sent from my iPhone

On Aug 8, 2025, at 2:20 PM, Simone Kenny, AICP <SKenny@flaglercounty.gov> wrote:

Hello Applicants,

The Agenda and Backup for the August 12, 2025 Planning and Development Board have been published and can be accessed here.

Thank you and have a great weekend,
Simone

Simone Kenny, AICP
Senior Planner
E: SKenny@flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov
Flagler County Board of County Commissioners
Bunnell, FL 32110
<image002.png>

<image001.png> <image003.png>

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The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From:	PenTeleData Webmail
To:	Simone Kenny, AICP; Hannah Lademann
Cc:	fatboy6; peter
Subject:	Original Height up to 10" on structural request
Date:	Friday, March 27, 2026 11:54:57 PM

To Whom It May Concern,

I attended my TRC scheduled meeting on March 18th to revisit my applications and discuss BOCC January 12, 2026 appeal findings.
My orignal request plus numerous hearings has always stated my request was for 10' with possible built height of 9'7" at the peek point on a gable roof. That will match the residential home gable roof. The 3" buffer is to protect from going over the height as many factors will apply, if a metal roof is installed or the height grade of the 8'x12' slab differs from the surveyed elevations.
The TRC stated in 2025 that this structure can go up to 12' and anything after that will require another application to go above 12' height.
The TRC requested on 3/18/2026 if possible to show why the structure has to be built above the 4' already approved. My response was that I will try my best to get a letter from Tajimir Davis Engineering and Architect who will be drafting the pool and structural building to meet zoning permits. They were recommended by Ortiz Building and Pool Contractor who will be doing most of the construction. The electrical will be by Anchor Electric installing a 200 amp service for many appliances in this custom pool application. I also stated there is no height limitations on a Pool Pump built structure by Code as did my Attorney, Peter R. McGrath,P.A. Also, my file has a letter from the BADU swim jet Speck Pumps that states they don't evaluate, approve, or disapprove site-specific strutures, neighboring installations, or local zoning interpretations. It also includes that any application of our general guidance to specific projects should be reviewed by the appropriate design professsionals, installers, or local authorities to ensure compliance with all applicable codes and conditions.
They go on to say, we remain available to provide general technical information related to the swim jet system itself, should it be helpful; however, we are not positioned to arbitrate or interpret matters between neighboring parties.
Please review the letter as it has many others statements refering to the overall pool equipment configuration.
Two Planning and Development Board members mentioned their pool pump structures and height to which I stated I don't care what was built and my preferences are to meet my personal safety. As well as daily, weekly and monthly maintenances that will protect my investment from the harsh environment living by the eastern Atlantic ocean.
This email was requested by the TRC to reitterate once again the height. I will be on Monday March 30th to complete another application so the due process is followed with letters being sent and another yard sign posted for public notice of the Planning and Development Board's Meeting on April 14 at 6pm.

Thank you,

Raymond Royer

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, September 9, 2025, at 6:00 P.M.

(Approved at October 10, 2025 PDB Meeting)

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

   Members Present: Michael Boyd (Chair), Ron Long, Timothy Conner, Michael Goodman, Mark Langello and Dan Wilcox.

   Members Absent: Anthony Lombardo (Vice-Chair)

   Present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Director; Simone Kenny, Senior Planner; and Hannah Lademann, Planner.

   Board Counsel: Sarah Spector, Assistant County Attorney

2. Pledge to the Flag.

   Mr. Langello informs the Board and public that he has an ongoing medical issue causing pain and medication that may cause him to be groggy. He wants to give a heads up that should the pain be to much, he may need to excuse himself from the meeting early.

3. Approval of August 12, 2025 minutes.

   Motion to approve by: Ron Long
   Seconded by: Mark Langello
   Motion carried unanimously.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:
Staff – 10 minute presentation.
Applicant – 15 minute presentation (unless time extended by consensus of Board).
Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

Board Secretary swears in all Applicants and all members of the Public who wish to speak on any item on tonight's agenda.

MOTION: To deviate from the published agenda and move Item #10 to Item #4 as the Applicant has been previously heard before the Board. He would like to ensure the applicant has a full Board, with fresh minds.
Motion by: Michael Goodman
Seconded by: Ron Long
Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Project No. 2025080063 – **REQUEST FOR A VARIANCE IN THE R/C (RESIDENTIAL LIMITED COMMERCIAL) DISTRICT** – request for a Variance in the R/C (Residential Limited Commercial) District for a Pump House at 3 Pelican Lane in the River Beach Subdivision. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owner/Applicant: Raymond Royer Jr. (AR No. 5921). *(PDB*)

   Board Comments: Mr. Conner asks staff for clarification on how many times an applicant can bring the same item in front of the Board for consideration. He brings forth concerns that this item has been disapproved by this Board in February and appealed to the Commission, then reheard in July and August without approval. Ms. Spector confirms that our code does not restrict an applicant for reapplying for a variance application after being denied.

   Staff Presentation: Simone Kenny, Senior Planner.

   Mr. Long confirmed that the Applicant has the original variance granted in February with the four (4) foot height restriction. Staff confirms.

   Applicant Presentation: Raymond Royer, Jr., Owner. Recaps his previous statements from prior meetings. He also shares a video with the Board demonstrating the size of the pumps.

   Mr. Goodman clarifies the necessity of covering the equipment due to the proximity to the beach. He states that the video Mr. Royer just showed has the equipment outside but stated he needs to cover the equipment due to his proximity to the beach. Mr. Royer confirms and also states he would like to cover the equipment for aesthetics/matching his home.

   Public Comments:

   Dan O'Connell, resident of 7 Mockingbird Lane. He shares a PowerPoint presentation with the Board detailing the previously approved variances, the specs/sizes of the pumps from the sales brochure, and a site plan showing that the computer generated images are misleading. He asks that the variance request be denied.

   Maureen Brunk, resident of 5 Cardinal Lane. She states she has rewatched the recordings on all the previous hearings and due to the fact not all members were present at each meeting, she would like to remind them of the facts. She states that when Mr. Royer purchased this property, he was aware of the size of the lot (being undersized) and the small subdivision consisting of private roads. She states that he has previously addressed her garage as an example of non-compliant structures in the subdivision and contests that he property was developed in 1978 prior to the zoning restrictions. She states that the two recent pools/pool equipment put in the subdivision were able to

appropriately size their pool and permit them without requiring a variance. She asks that the variance request be denied.

Jackie O'Connell, resident of 3 Mockingbird Lane. She states this is her third time speaking in front of this Board regarding the size of this pumphouse. She states that he repeatedly changes his request and makes statements with no material evidence or proof to back up the claims. He states that she has no objections to Mr. Royer receiving permission for a pool or pump house, rather is opposed to the size of the pump house in proximity to Mockingbird Lane. She asks that the variance request be denied as the height is unnecessary to fit the pumps and this is a self-created hardship.

Mr. Long initiates Board discussion relating to the pumps. He states he reached out to numerous contractors from Flagler and Volusia Counties inquiring on whether the current approved pumphouse would accommodate the pumps as described. He states each contractor affirmed that the size/height of the structure as previously approved was sufficient, the only caveat being some of the contractor's recommended ventilation to the structure for the heat of the pumps – but that this would be necessary regardless if the structure was 4' or 9' in height. Mr. Wilcox states that he also did research regarding the pumps and that he reached out to the Baudu manufacture in which they advises that an enclosed structure with more height allows for better ventilation of the pumps. He suggests a middle ground as he believes a 4' height restriction is insufficient.

Mr. Conner states that the problem with the heat load argument is that we don't have any evidence before the Board today to support it, other than hearsay comments. He reminds the Board that this is an evidentiary hearing requiring the applicant to bring forth such supporting evidence for his request. He states that he doesn't doubt that a heat load requirement exists, but that there is no evidence before him today to state whether it can be contained with a 4' or 10' high structure.

Mr. Goodman states that he is a visual person and in effort to understand the request he has driven by the subject property to assess. He states he believes the concerns of the neighbors is nonsense, as he does not believe the pumphouse structure to be obstructive, regardless of the height. Mr. Wilcox states he agrees with Mr. Goodman in regard to the sight triangle visibility perspective. He states he also visited the subject property, and that the volume of the structure does not support a visibility issue from the intersection. Mr. Langello states that he disagrees with Mr. Goodman's statement that the neighbors' arguments are nonsense. He does agree that not all concerns of the neighbors are applicable to the specific request as the height of the structure holds no bearing on the drainage. He states that the character of the neighborhood and how the neighbors perceive is a reasonable concern. He states that the Board has been very generous in their previous approvals allowing Mr. Royer to construct a pool/pool deck/and pumphouse on his property. He states that he could build this on his property today, however, is asking for more that Mr. Langello believes exceeds the minimum relief necessary. He states there is a difference between what someone wants on their property versus what they need in order to function, and he believes the Board has given the approval for the minimum relief necessary in order for the property to function with a pool. Mr. Goodman asks the Board if any of them would be willing to consider a 6' height restriction as opposed to the current 4' height restriction. Mr. Langello states that he believed the reason for the higher pump house request was for privacy concerns. He states that there are other ways to achieve privacy with vegetation. Mr. Long states that he is standing with the current approval as the Board has given the minimum relief necessary. He reminds Mr. Goodman that the reason for the 4' height

restriction was for concurrence with the fence. Mr. Langello restates Mr. Conners' previous statement that this is an evidentiary hearing and that it appears if they were to vote tonight Mr. Royer would not have the majority necessary for approval. He states that it is the applicants right to reapply, and if he were to do so and brought in substantial evidence from an engineer supporting that the pumphouse requires a certain height for ventilation of those specific pumps. Mr. Conner summarizes the previous approved variances given to the applicant, and references LDC Section 3.07.03.E.4 stating that they grant the minimum relief necessary. Mr. Conner states if there is something the Board is missing to support that additional relief is necessary, it is the applicants responsibility to provide that, but that it has not been presented to the Board tonight.

MOTION: The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2025080063 for a 22.34 left (West) street side setback variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

Motion to approve by: Michael Goodman
Seconded by: Dan Wilcox

Ron Long – Nay
Dan Wilcox – Ay
Timothy Conner – Nay
Michael Goodman – Ay
Mark Langello – Nay
Michael Boyd (Chair) – Ay

Motion failed 3-3 (Long, Conner, and Langello opposed). The item has been denied.

5. Quasi-judicial requiring disclosure of ex parte communication:
CONTINUED FROM AUGUST 12, 2025 PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Project No. 2025050047 – **REQUEST FOR A VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT** – Request for a Variance in the R-1 (Rural Residential) District for an Addition to a Single-family Dwelling at 4278 Old A1A South. Parcel Number: 09-11-31-0000-01080-0021; 28,629+/- square feet (0.66+/- acres). Owners: Steve and Jeanne Burkhardt, H&W/Applicant: Robert E. Dickinson (AR No. 5693). *(TRC, PDB)*

Board Comment: None

Staff Presentation: Simone Kenney, Senior Planner

Applicant Presentation: Robert Dickinson, Applicant on behalf of the owners. He states that he highlighted in red on the site plan the key elements that play into their need for the variance.

Mr. Langello asks if there is any hardening on the waterway behind the home. Mr. Dickinson states he believes it is coquina that slopes down quite a bit (approximately 15-20' in grade change). Mr. Langello asks how close that grade change is to the addition. Mr. Dickinson points out the proposed grade near the rear of the addition and states in that location it is pretty flat. Mr. Conner asks who owns the property between the rear of the home and waterway. Staff states on Mr. Dickinsons behalf

Instrument No: 2025038206 9/17/2025 8:58 AM BK: 2991 PG: 1571 PAGES: 3 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD ORDER NO. 5921
PROJECT NO. 2025080063

Owner: Raymond R. Royer Jr. and Janice L. Paxson
Applicant: Raymond R. Royer Jr.
Location: 3 Pelican Lane, Flagler Beach, FL 32136
Parcel #: 23-11-31-5300-00000-0130
Legal Description: Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida

Request: This request is for a 22.34 foot left (West) street side setback variance from the minimum required 25 foot street side setback and a 1.2 percent lot coverage variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district at 3 Pelican Lane.

Section 1. Findings.

In accordance with Section 3.07.03. of the Flagler County Land Development Code, the Planning and Development Board, having considered the application at their regular meetings on September 9, 2025 testimony and evidence in the record presented by staff and the parties, other written documentation of record, and comments made during the public hearing portion of the proceedings, finds that the Owners do not meet the criteria of Section 3.07.03.E.1. through 4.:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship.

   The subject property is an undersized Lot of Record being part of the River Beach subdivision dating back to 1959 and being approximately 1,500 square feet under the minimum lot size of 9,000 square feet in the R/C district.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith.

   This is a before-the-fact variance request and the applicant is seeking permission before applying for a building permit.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article.

The granting of a variance will not cause substantial detriment to the public health, welfare, safety, and morals of the community. The applicant has submitted renderings showing that the pump house will be designed and built to be consistent with the existing dwelling.

4. No variance may be granted for a use of land or building that is not permitted by this article.

   Pools, pool decks, and pump houses are permitted accessory uses and structures within the R/C zoning district.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

The newly proposed location of the pump house reduces the necessary relief for the street side setback but increases the necessary relief for lot coverage. The current four-foot height limitation does reduce the accessibility and use of the pump house. While the requested variances are before-the-fact and the property is an undersized Lot of Record, the hardship is self-created. The Board could not reach a majority conclusion related to the need for the variances in excess of those as previously approved by the Board.

Section 2. **Denied.**

Based on the foregoing and following the September 9, 2025 hearing of the Planning and Development Board, the requested variances stated above are denied, with a 3-3 vote in favor of approval (tie vote results in a denial of the request).

Section 3. Appeal Rights.

An aggrieved party, including the local governing body, may appeal a Planning and Development Board's order regarding a variance request to the Board of County Commissioners of Flagler County. The appeal shall be conducted in accordance with Section 3.07.03.C. of the Land Development Code. The original application for appeal, accompanied by the required one hundred fifty dollar ($150.00) application fee, with the cost of any required public notice to be borne by the applicant, shall be filed with the Planning and Zoning Director no later than thirty (30) calendar days of the rendition date shown below.

SO ORDERED AND RENDERED, this 16th day of September 2025, by the Planning and Development Board of Flagler County, Florida, by and through its Chairman.

FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD

ATTEST:

Adrian Mayol for
Hannah Lademann, Board Secretary

Michael Boyd, Chairman

Approved as to Form:

Sarah Spector, Assistant County Attorney

CERTIFICATE OF SERVICE

PLANNING AND DEVELOPMENT BOARD ORDER NO. 5921
PROJECT NO.: 2025080063

As Secretary to the Planning and Development Board, I hereby certify that on this 19th day of September, 2025, copies of this Planning and Development Board Order No. 5921 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

Raymond R. Royer Jr. and Janice L. Paxson
3 Pelican Lane
Flagler Beach, FL 32136

Attested by: _____ for
Hannah Lademann, Board Secretary

ITEM 9B – THIS ITEM WILL NOT BE HEARD: QUASI-JUDICIAL – PROJECT NO. 2025080074 – REQUEST FOR A REZONING FROM THE AC (AGRICULTURAL) DISTRICT TO THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT. PARCEL NUMBERS: 28-12-31-0000-01010-0000 AND 29-12-31- 0000-01010-0000; PARCEL SIZE: 119+/- ACRES. OWNER: MPC LOTS LLC/APPLICANTS: RICHARD SMITH AND NIKA HOSSEINI. (AR NO. 5931)

There has been a request for the BOCC to open and continue to the Board's March 16, 2026, Regular Meeting at 5:30 p.m.

ITEM 9C – QUASI-JUDICIAL – PROJECT NO. 2025080063 – REQUEST FOR AN APPEAL OF THE PLANNING AND DEVELOPMENT BOARD'S DECISION DENYING VARIANCES FROM THE MINIMUM REQUIRED REAR SETBACK, MINIMUM REQUIRED STREETSIDE (WEST) SETBACK, AND MAXIMUM LOT COVERAGE REQUIREMENT FOR A PROPOSED POOL, POOL DECK, AND PUMP HOUSE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT AT 3 PELICAN LANE. PARCEL NUMBER: 23-11- 31-5300-00000-0130; 7,500+/- SQUARE FEET (0.17+/- ACRES). OWNERS: RAYMOND R. ROYER, JR., AND JANICE L. PAXSON/APPELLANT: RAYMOND R. ROYER, JR./AGENT: PETER R. MCGRATH, ESQ. (AR NO. 6024)

This item was requested by Adam Mengel, Growth Management Director:

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(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

SUBJECT: QUASI-JUDICIAL – Project No. 2025080063 – Request for an Appeal of the Planning and Development Board's Decision Denying Variances from the Minimum Required Rear Setback, Minimum Required Streetside (West) Setback, and Maximum Lot Coverage Requirement for a Proposed Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial) District at 3 Pelican Lane. Parcel Number: 23-11-31-5300-00000-0130; 7,500+/- square feet (0.17+/- acres). Owners: Raymond R. Royer, Jr., and Janice L. Paxson/Appellant: Raymond R. Royer, Jr./Agent: Peter R. McGrath, Esq. (AR No. 6024).

DATE OF MEETING: January 12, 2026

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication.

An appeal was filed by the Owners on October 16, 2025, related to the Planning and Development Board's most recent variance denial for variances related to the construction of a pool, pool deck, and pump house at 3 Pelican Lane. Specifically, the Appellants'/Owners' most recent appeal requests:

> "Owners will be deprived of all reasonable use of the property as allowed in the zoning district. At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure. Applications requested in February to request 10' high as a buffer. But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal."

The appeal application cites the Planning and Development Board's Order No. 5921 from its September 9, 2025, regular meeting, where the Board's decision is provided by the appellant as: "3-3 vote in favor of approval (tie vote results in a denial of the request)."

This is Mr. Royer's second appeal to the Board of County Commissioners. His first appeal – like this appeal – sought the elimination of the Planning and Development Board's four-foot height limitation on the proposed pump house, with all other requested variances for the pool and pool deck's location and a variance to exceed lot coverage all approved by the Planning Board at its February 11, 2025, regular meeting. The Planning and Development Board's approval (vote on the motion was unanimous) stated:

> "The Planning and Development Board find that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024110031 for 3.49 foot rear (North) variance from the minimum required 10 foot rear setback for a pool and pool deck, a 25 foot left streetside (West) variance from the minimum required 25 foot streetside

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

setback for a pool and pool deck, a 22-foot left streetside (West) variance from the minimum required 25-foot streetside setback for a pump house, a 0.82 percent lot coverage variance from the maximum allowed 35 percent lot coverage at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130), subject to the following condition:

1. The pump house is to be within the boundaries of the block wall (pool barrier) and not taller than 4 feet in height."

This first appeal was heard by the Board of County Commissioners at its May 5, 2025, regular meeting. After considering the appeal request, the Board denied (on a unanimous vote) the appeal (as copied below from the approved meeting minutes):

> "A motion was made by Commissioner Hansen to deny the appeal on the basis that the Planning and Development Board's decision was supported by competent substantial evidence, the [sic] due process was accorded to the applicant, and the essential requirements of law, primarily the four criteria for variances within the LDC, have been observed. Seconded by Commissioner Carney. Chair Dance called the question. Motion carried unanimously."

Unlike other land use requests, variance requests are not time-barred: a reapplication could be made at any time, and the Board's comments from the May 5, 2025, meeting concluded with this acknowledgement (again from the minutes):

> "Chair Dance noted Mr. Royer would have to re-apply, bring additional evidence, and modify his plan."

Mr. Royer did file a subsequent variance application (Project No. 2025050043), which was ultimately denied at the Planning and Development Board's August 12, 2025, regular meeting following a tie vote (2-2) on a motion to approve: a tie vote results in a denial of the request (see Order No. 5689). Due to discrepancies in the vote (and the County's hearing process) from the August Planning Board meeting, Mr. Royer was allowed by staff to reapply for his variance requests without requiring an application fee, seeking (according to his application):

> "Hardship relief on undersize lot, variance relief for pool housing structure: on height roof coverage."

The Planning and Development Board considered his third variance application at the Board's September 9, 2025, regular meeting, which again ended in a denial – a 3-3 tie vote on a motion to approve – of his variance requests. Mr. Royer had requested that County staff allow this appeal application to be submitted without an application fee, which was rejected by County staff: this delayed his appeal application submittal.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

As a reminder to the Board, the subject parcel lies on the North side of Pelican Lane, East of Mockingbird Lane):



The Board of County Commissioners is the appellate authority following a decision by the Planning and Development Board pursuant to Section 3.07.03.C.1 of the Land Development Code. In turn, the decision of the Board of County Commissioners may ultimately be appealed to the Circuit Court. It is noted that the Board's denial of Mr. Royer's original appeal was not further appealed to the Circuit Court.

The appeal must be reviewed based on the record presented at the Planning and Development Board meetings and also argument of the appellant before the County Commission. No new evidence or testimony may be provided. In deciding, the Board of County Commissioners must make three determinations:

1. **Whether the Planning and Development Board's decision was supported by competent substantial evidence;**
2. **Whether due process was accorded; and**

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

3. **Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.**

As a variance request, the necessary detail is provided to the Planning and Development Board through a site plan. Initial site plan requirements for both variances and special exceptions are listed at LDC Section 3.07.03.A.2. The Planning and Development Board considered the applicants' site plans, which are included in the back up material attached hereto. It is noted that since the initial variance request, Mr. Royer had added to his submittal elevation views depicting the proposed construction.

Specific to variances, the LDC requires (at LDC Sec. 3.07.03.E.) demonstration that the four variance guidelines are considered by a variance applicant, with these guidelines typically depicted on a site plan and through a written narrative (and where "the board [Planning and Development Board] shall be guided by the following"):

> "*Variance guidelines.* A variance may be granted from the terms and provisions of this article where, owing to special conditions relating to the property, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Variances may be granted by the Planning and Development Board in such an individual case of unnecessary hardship upon a written finding based on competent, substantial evidence in the official record that:
>
> 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
> 2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
> 3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
> 4. No variance may be granted for a use of land or building that is not permitted by this article.
>
> A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district."

The Planning and Development Board's findings regarding these criteria are stated in the Planning Board's Order regarding the variance and are reflected in the Planning Board's technical staff report attached to this report.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

It is assumed that the Appellants' appeal request claims that the four (4) foot-height limitation originally imposed on the pump house (through the original variance approval) deprives him of his use of the pump house in the intended manner. However, the final paragraph of the Variance guidelines listed above states, ***"A variance, if granted, shall be the minimum variance necessary to alleviate the hardship."*** (Emphasis added). The Planning and Development Board's intent with the imposed condition was to ensure that the granted variances were the minimum variances necessary to alleviate the hardship, providing space for a pump house but arguably not for housing pool furniture.

This appeal iteration alleges that the "Owners will be deprived of all reasonable use of the property as allowed in the zoning district." Staff counters that the Planning Board's decision – with two tie-votes – was indicative of the difficulty posed by his request, where the Planning Board seeks to balance reasonable requests for relief from the strict application of the Land Development Code's requirements with limitations that respect the adjacent neighborhood and uphold the Code's intent to protect the health, safety, and general welfare. In staff's opinion, the Planning Board correctly weighed the evidence and testimony provided in the variance application and at the public hearing, and could not come to a majority consensus resulting in approval; however, the deprivation of "all reasonable use" is not the end result. The previously granted variances – inclusive of the pump house height limitation – provided for the proposed pool development. In the end, the "reasonable use" was not deprived, but instead it was conditioned on a requirement to limit the pump house height. The appeal goes on to state that: "At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure." This is correct, but the Planning Board opted to restrict the pump house height to less than 12 feet as a condition of granting the requested variances. This is the Board's prerogative: if the pump house can be placed on the parcel without the variances, then the 12-foot height applies. The appeal further (appears) to seek a 9-foot, 7-inch pump house height to match the height of the existing dwelling's gable roof: "But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal." The Board heard this proposal, and the vote – effectively considered at two separate consecutive meetings – resulted in a tie-vote (and a denial of the variance request) at each of these Planning and Development Board meetings.

This agenda item is:
__X__ quasi-judicial, requiring disclosure of ex-parte communication; or
_____ legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:
Focus Area: Effective Government
- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
  - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

DEPARTMENT CONTACT:
Adam Mengel, Growth Management Director, (386) 313-4065

Public notice has been provided for this application according to Land Development Code (LDC) Section 2.07.00.

OPTIONS FOR THE BOARD: As a reminder, the Board of County Commissioners is sitting in an appellate capacity as it relates to this matter. It is limited by LDC Section 3.07.03.C. to determining whether:

1. The Planning and Development Board's decision was supported by competent, substantial evidence;
2. Whether due process was accorded; and
3. Whether the essential requirements of the law have been observed.

The Board of County Commissioners may take ONE of the following actions:

1. APPROVE the Appeal request, overturning the Planning and Development Board's denial of the Variances for the Pool, Pool Deck, and Pump House in the R/C (Residential/Limited Commercial Use) District at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **OVERTURNING** the decision of the Planning and Development Board's condition to limit the height of the proposed Pump House to Four (4) Feet. The Board of County Commissioners will need to set the maximum height of the Pump House; otherwise, the maximum height will be limited to a maximum height of twelve (12) feet.

2. DENY the Appeal request, upholding the Planning and Development Board's denial of the Variance – along with affirming the original Variance condition to limit the height of the proposed Pump House to Four (4) Feet at 3 Pelican Lane. With this course of action, the Board of County Commissioners will be **AFFIRMING** the Planning and Development Board's decision to grant the Variance *with the condition as to the Pump House as originally imposed by the Planning and Development Board.*

3. REMAND the Variance denial back to the Planning and Development Board for further proceedings with direction on how the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or observe the essential requirements of law. The Variance use is held in abeyance until the Planning and Development Board renders a decision on the Variance as remanded.

4. CONTINUE the Board of County Commissioners' review of the appeals to a time and date certain. A continuance should be for the appellants or for staff to provide additional information to the Board of County Commissioners.

(Item 9c – Continued)

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9c

It should be noted that, unlike a rezoning request that is limited to no more than one request for the same parcel of land every six months, a variance application submittal is not time-barred (see LDC Sec. 3.07.05.G.). Accordingly, should the Board of County Commissioners uphold the Planning and Development Board's denial of the variance, the owner may (again) immediately refile a variance request with the County for a similar request.

QUASI-JUDICIAL: Commissioner Hansen disclosed having communication with the applicant, Mr. Royer. Stated Mr. Royer was upset about the application denial, so he attempted to plead his case.

Adam Mengel, Growth Management Director, provided a presentation that included a summary of the staff report referenced above.

Commissioner Richardson inquired whether all structures within the community would be required to be four feet in height or less if the appeal request were denied.

Mr. Mengel explained that the Planning Board had considered the number of variances previously granted to the applicant and, as a result, elected to further limit the height of the pump house as a condition of approving the additional variances. He added that the height could be as much as twelve feet.

Commissioner Carney asked how many members serve on the Planning Board.

Mr. Mengel stated that there are typically seven members on the Planning Board; however, only six members were present at the September 9th meeting.

Commissioner Pennington requested confirmation that there had been a tie vote at the September 9th meeting.

Mr. Mengel confirmed that there was a tie vote.

Commissioner Hansen expressed concern regarding potential unfairness, noting that three Planning Board members had previously voted in favor of approving the variance request. He further observed that there had also been a tie vote on Mr. Royer's initial variance request.

Mr. Mengal commented on the even number of Planning Board members being problematic.

(Item 9c – Continued)

Commissioner Dance stated this is not a denial of due process.

Commissioner Carney agreed that an even number of Planning Board members is problematic. Asked for confirmation that the four-foot limitation was imposed by the Planning Board.

Mr. Mengal responded with yes. Explained how the Planning Board made the determination on the limitation.

Chair Pennington called for the applicant.

Peter McGrath, Appellant's Attorney, stated there has been an assumption that there is a four-foot height limitation with respect to hedges and walls based on a set of covenants and restrictions. Noted he has an opinion letter.

Commissioner Dance asked if the opinion letter is new evidence.

Mr. McGrath answered yes.

Commissioner Dance stated no new evidence could be considered.

Michael Rodriguez, County Attorney, noted new evidence falls outside the scope of the appeal.

Mr. McGrath spoke about how Mr. Royer voluntarily limited the height of the wall and that the restrictions have dropped off his title. Further stated that a six-foot wall would still comply with the Land Development Code (LDC) requirements. He noted that while the LDC does not specifically address pool pump houses, it does regulate accessory structures, and that under those provisions Mr. Royer would be permitted a height of up to twelve feet. Mr. McGrath stated that Mr. Royer intends to construct the pump house to a height of nine feet, seven inches, and is requesting a ten-foot allowance to accommodate minor variation. Emphasized that the pump house must contain two four-horsepower motors, a pool pump, a filtration system, and a pool heater, and that a four-foot height limitation would create a hardship by failing to provide sufficient space for the equipment and adequate ventilation. Further noted that there has been a tie vote on more than one occasion.

Raymond Royer, Appellant, spoke about his due process being violated and the Planning Board members being biased. Added there is no justification on the four-foot limitation.

Mr. McGrath stated the licensed contractor was present to discuss the issue concerning the four-foot limitation on the height of the structure.

(Item 9c – Continued)

Chair Pennington clarified the procedures. Asked whether the Planning Board had discussed the issues of equipment space and ventilation within the structure.

Mr. Mengal stated there had been a suggestion for the pump installer to appear before the Planning Board, but that this did not occur. Added that the pump installation manual was submitted as evidence. Explained that Mr. Royer indicated the additional room would be necessary to accommodate the pumps. Further noted that there is a four-foot height limitation for structures and fencing in front yards, and the shed could not be placed in its current location without a variance. Stated that the Planning Board granted the variance on the condition that the height of the structure be limited to four feet. Also noted that this is a corner lot and further clarified the applicable LDC requirements for the residential zoning district.

Commissioner Dance stated that the four-foot height limitation is not arbitrary.

Mr. Mengal stated it is not. Added that there may be private covenants and restrictions; however, those were not reviewed because the LDC requirements governed the analysis.

There was extensive BOCC discussion on the appeal request.

Mr. McGrath and Mr. Royer gave a rebuttal statement.

Chair Pennington called for public comment and there was none.

Chair Pennington called for public comment.

Tamara Daniels, Contractor Representative, commented on the pool equipment and proposed structure.

Michael Rodriguez, County Attorney, stated only the appellant and interested parties with standing that have been permitted to intervene may present oral argument on the established record, but no new testimony or other evidence shall be taken. Clarified this is not a matter for public comment because this is an appeal limited to the record before it. Asked the BOCC to disregard Ms. Daniel's testimony.

Commissioner Carney inquired what CFMs are.

Mr. Mengal responded with Cubic Feet per Minute. Noted it is measure of air flow.

The BOCC entered into further discussion on the appeal request.

(Item 9c – Continued)

Mr. Rodriguez stated the Planning Board did not render a decision to affirm or overturn. Clarified the rules and procedures and advised the BOCC on how they could take action on the item.

There was BOCC discussion on the variance requests.

A motion was made by Commissioner Dance to remand the variance denial back to the Planning and Development Board for further proceedings, with direction on reviewing the height of the accessory structure and for compliance with the Land Development Code.

Mr. Rodriguez noted what should be included in the motion.

Commissioner Dance asked for clarification.

Mr. Rodriguez clarified.

Chair Pennington asked if the BOCC should vote on the motion without public comment.

Mr. Rodriguez advised the BOCC.

The motion was seconded by Commissioner Carney.

An amended motion was made by Commissioner Dance to remand the variance denial back to the Planning and Development Board for reconsideration of the variance and the additional request for the increase of the height of the accessory structure to 10 feet, and that the variance meets the criteria for a variance under the Land Development Code. Seconded by Commissioner Carney.

Chair Pennington called for a roll call vote.

Tiffani Smith, Deputy Clerk, took a roll call vote and captured the following responses:

- **Commissioner Richardson: "Yes"**
- **Commissioner Hansen: "Aye"**
- **Chair Pennington: "Yes"**
- **Commissioner Carney: "Yes"**
- **Commissioner Dance: "Aye"**

Motion carried unanimously.

Instrument No: 2026009025 3/2/2026 3:01 PM BK: 3034 PG: 754 PAGES: 3 -
RECORDED IN THE OFFICIAL RECORDS OF Tom Bexley, Clerk of the Circuit Court & Comptroller Flagler, FL

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS ORDER NO. 6024
PROJECT NO. 2025080063

Appellants: Raymond R. Royer Jr. and Janice L. Paxson
Owners: Raymond R. Royer Jr. and Janice L. Paxson
Applicant: Raymond R. Royer Jr.
Location: 3 Pelican Lane, Flagler Beach, FL 32136
Parcel #: 23-11-31-5300-00000-0130
Legal Description: Lot 13 and the South 8 feet of Lot 16, River Beach, according to the map or plat thereof as recorded in Plat Book 5, Page 36, Public Records of Flagler County, Florida

Request: The appellants filed an application for the Board of County Commissioners to consider an appeal of the Planning and Development Board's denial (Planning and Development Board Order No. 5921 rendered September 16, 2025 and recorded on September 17, 2025 at Official Records Book 2991, Page 1571, Public Records of Flagler County, Florida) for a 22.34 foot left (West) street side setback variance from the minimum required 25 foot street side setback and a 1.2 percent lot coverage variance from the maximum 35 percent lot coverage in the R/C (Residential/Limited Commercial Use) district at 3 Pelican Lane (Parcel Number: 23-11-31-5300-00000-0130). The appellants specifically requested that:

"Owners will be deprived of all reasonable use of the property as allowed in the zoning district. At the Technical Review Committee (TRC) which two reviews stated this application property R/C District can go to 12' high on the proposal structure. Applications requested in February to request 10' high as a buffer. But matching the residential home the owners would try reaching a 9'7" gable roof for pleasing appeal."

Section 1. **Findings.**

The Board of County Commissioners, having considered the appeal application at its regular meeting on January 12, 2026, testimony and evidence in the record presented by staff and the parties, other written documentation of record, and comments made during the public hearing portion of the proceedings, determined that:

1. Whether the Planning and Development Board's decision was supported by competent substantial evidence;

   The Board found that the Planning and Development Board's decision denying the variance request was neither supported or not supported by competent substantial evidence. The Board's decision denying the

application request was based on the Board's tie-vote resulting in a denial.

2. Whether due process was accorded; and

   The Board of County Commissioners found that due process was accorded to all parties by the Planning and Development Board.

3. Whether the essential requirements of law (primarily, the four Criteria for Variances within the LDC) have been observed.

   The Board of County Commissioners found that the essential requirements of law – including primarily the four Criteria for Variances within the LDC – have been observed by the Planning and Development Board. However, the Board's denial of the application request – due to the tie-vote – necessitates the Board's reconsideration of the variance request on remand to make a determination on the variance application for reconsideration of the variance request inclusive of the increase in height of the pump house accessory structure to 9 feet, 7 inches, finding that the request meets the criteria for approval of a variance under the LDC.

Section 2. **Remanded.**

Based on the foregoing and following the January 12, 2026 hearing of the Board of County Commissioners, the requested appeal stated above is remanded to the Planning and Development Board for reconsideration.

Section 3. **Appeal Rights.**

An aggrieved party, including the local governing body, may appeal a Board of County Commissioners' order regarding an appeal request by filing such appeal with the Circuit Court of Flagler County, Florida, within thirty (30) days of the rendering of the order by the Board. Such appeal shall be by writ of certiorari and shall not be a hearing de novo.

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS ORDER NO. 6024
PROJECT NO. 2025080063

SO ORDERED AND RENDERED, this 2nd day of March 2026, by the Board of County Commissioners of Flagler County, Florida, by and through its Chair.

FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST:

D.C.
Tom Bexley, Clerk of the Circuit Court
and Comptroller

Leann Pennington, Chair

Approved as to Form:

Sarah Spector, Assistant County Attorney

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, April 14, 2026, at 6:00 P.M.

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

   Members Present: Anthony Lombardo, Ron Long (Vice-Chair), Michael Goodman, Timothy Conner, Dan Wilcox and Mark Langello (Chair).

   Members Absent: Michael Boyd (Excused)

   Present: Chuck Merenda, Interim Growth Management Director; Simone Kenny, Senior Planner; and Hannah Lademann, Planner.

   Board Counsel: Sarah Spector, Assistant County Attorney

2. Pledge to the Flag.

3. Approval of March 10, 2026 minutes.

   Motion to approve by: Anthony Lombardo
   Seconded by: Michael Goodman
   Motion carried unanimously.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:
Staff – 10 minute presentation.
Applicant – 15 minute presentation (unless time extended by consensus of Board).
Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

Board Secretary swears in members of the public who will testify on any item on todays agenda.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Project 2026020046 – **REQUEST FOR VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – Request for a Variance in the PUD (Planned Unit Development) District from the Minimum Required Rear Setback at 21 N Riverwalk Drive. Parcel Number: 27-11-31-4890-00000-0740; Parcel Size: 9,026+/- Square Feet (0.21+/- Acres).Owner/Applicant: George and Heather Houck. (AR 6337). *(TRC, PDB)*

   Board Comments: None

Staff Presentation: Simone Kenny, Senior Planner.

Applicant Presentation: George Houck, Owner.

Public Comments: None

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2026020046 for a 5 foot rear (West) yard setback variance from the minimum required 10 foot rear yard setback for a pool and pool deck at 21 N Riverwalk Drive (Parcel No. 27-11-31-4890-00000-0740)

Motion to approve by: Michael Goodman
Seconded by: Dan Wilcox
Anthony Lombardo – Aye
Dan Wilcox – Aye
Timothy Conner – Aye
Michael Goodman – Aye
Ron Long – Aye
Mark Langello (Chair) – Aye
Motion carries unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:
Project 2025080063 – **REQUEST FOR VARIANCE IN THE R/C (RESIDENTIAL) LIMITED COMMERCIAL) DISTRICT** – Request for a Variance in the R/C (Residential/limited Commercial) District for a Pump House at 3 Pelican Lane. Parcel Number: 223-11-31-5300-00000-0130; Parcel Size: 7,500+/- Square Feet (0.17+/- Acres). Owner/Applicant: Raymond Royer Jr. (AR 5921).
(TRC, PDB)

Board Comments: Mr. Conner states he has had small talk with Mr. Royer in and out of various meetings. Mr. Langello concurs that he also said a hello to Mr. Royer in the hall prior to today's meeting.

Mr. Conner asks if this is the No vote from before or if prior applications are supposed to be considered. Ms. Kenny states that this is the same application that we heard in September as it was appealed to the County Commission and remanded back to this Board. Mr. Conner asks if they should consider testimony from the first hearing. Mr. Langello states that it's his understanding we will be hearing new evidence either by the public or by Mr. Royer. Ms. Kenny states that they can hear new evidence today, but the application before us today is essentially the same application that was heard in September.

Staff Presentation: Simone Kenny, Senior Planner.

Mr. Long asks for clarification that the applicant holds an approval for the pool, fence and pump house with a 4' height restriction. Staff confirms.

Applicant Presentation: Raymond Royer Jr., Owner and Peter McGrath, Esq.

Mr. Lombardo states that he appreciates the rendering, he states that this would have given a better perspective of what was being proposed.

Mr. Goodman asks for aesthetic purposes, if a window on the pumphouse was considered. Mr. McGrath states that it has not been contemplated at this time, but if it would accommodate the request, he does not foresee it to be an issue.

Mr. Langello gives Mr. McGrath some historic background on why the 4' height limitation was imposed on the original request. He states that because the structure did not meet the setback and was encroaching well into the setback, to compromise and keep the structure harmonious with the 4' fence.

Mr. McGrath states that he understand the location of the home, but that the structure is within the limitations of the approved variance for the setback. And that while the 4' height structure was given to compromise on the setback request; it makes the project unfeasible.

Mr. Langello asks staff if they can show the five emails that were forwarded to the Board as public comment on the screen. He states that the public has been continually showing up to meetings and making repeat comment, and that they should have a chance to be heard.

Public Comments:

Jackie O'Connell, resident of 8 Mockingbird Lane. States she is also speaking on behalf of Nancy Wells, an adjacent neighbor who is unable to attend. She shows the board an overview photo of the neighborhood. She states that unlike other beachside neighborhoods, they have room, space, and a harmonious community. She states they have no roadside structures and would like to keep it that way. She goes through the variance criteria and states that it is a self-created hardship as he bought a lot that was to small for all his wants and needs. She references an email sent by Mr. Royer that states he may go up to 12' high to quote "to create a small storage area like a small attic". She references in previous Planning Board meetings, the Board has asked for engineering plans to support the need for a higher structure, yet months later this is not available. She references Mr. Royer submitted an example of a pool house being built up the road to the Board of County Commission, however Ms. O'Connell states the Commission was not informed that pool equipment was not enclosed in this pool house and that setback variances were not needed. She references what the street view of the structure would look like should this be approved and that there is no desire for the neighborhood to resemble a zero lot-line neighborhood.

Maureen Brunk, resident of 5 Cardinal Lane. She states that this neighborhood is unlike others, as it is older, established and not full of other variances. She states when looking at the rendering, the property line is less than a yard stick away from the side of the street. She asks if they could imagine looking at a 10' high structure, a yard stick away from the street on a corner lot. She states Mr. Royer is not being denied all reasonable use of the property. She states that this Board needs to consider the neighbors and the 5 lots/homes on Mockingbird who will be affected by a structure less than a yard stick away from there ingress/egress and sightline. She states that there has been talks of aesthetics, but the beauty in the eye of the beholder and to those in the neighborhood, this is a detriment.

Dan O'Connell, resident of 7 Mockingbird Lane. States he is speaking on behalf of Dawn Harris of 3 Cardinal Lane. He references the County's Land Development Code and its variance criteria that states that the request should be the minimum relief necessary to alleviate the hardship. He states with the previously approved variances, that Mr. Royer is not being deprived of all reasonable use of his property. He states that a 10' high structure 2.5' of the property line is not the minimum relief

necessary. He states that it is worth noting that Staff has consistently said in all hearings that this is a self-created hardship. He states he does not believe the code intended the Board to award applicants for creating hardships. He states that the Boards decision should be based solely on the variance criteria, and not considering of the renderings provided and their attractiveness, especially given that they're not to scale as previously stated by the applicant. He states that we have heard no new evidence regarding the pumps that requires an additional height allowance. He states that he took the time to read the 28-page installation manual and the 17-page operation manual. He states that no where in the manual does it say that enclosing the pumps is necessary. He states no one in the neighborhood is opposed to Mr. Royer having a pumphouse. He states they are opposed to a structure of that height less than three feet to the property line, on a corner lot. He again states that Mr. Royer has already been granted the variances needed to build his pool and asks that the Board uphold the intent of the County Code in reference to the variance criteria and deny the request as it is not the minimum relief and he is not being deprived of reasonable use of his property.

Raymond Royer Jr. on rebuttal. In reference to the previous mentioned recommendation not to enclose the pumps, he states the person was not aware when making his recommendation not to enclose them that the pumps were by the ocean and that due to the salt, he would enclose them. He states there are other accessory structures in the neighborhood that are larger in size and have been approved. He states he has previously been told not to talk about other people's properties, but doesn't understand how others are allowed to do so.

Peter McGrath, Esq on rebuttal. He states these are non-curbed streets that in essence blend in with the lots. He states that there are no well defined property lines and the structure does not impede the sightline on the corner lot. He states what is being proposed in innocuous. He states that with respect to the character of the subdivision, this small structure cannot be made to be compromising the character. He repeats that the restrictions of this subdivision have dropped off the title of his client's property. He states this is a good faith proposal with well thought out renderings that will not subtract from anyone's quality of life. He asks the board to consider what is feasible and what is not. He states that for ventilation purposes, safety from salty air, hurricane proof and to adequately accommodate the equipment, that the requested structure is what's feasible.

Mr. Langello states that he has proposed alternative locations to Mr. Royer and has not received any comments. Mr. Royer states that the referenced portion of the house was previously enclosed and he does not know the history of the construction. He states that he does not want to attach his permanent structure to a portion of the house where he is not confident in the construction.

Mr. Langello states that he can assure him, from a contractor's point of view, there are a lot of options and ways to make this fit/work on the lot without that high of a structure. He mentions that it appears Mr. Royer is stuck with this one concept and not exploring all options.

Mr. Royer references that force of the pumps, and his history as a Navy swimmer is why he's choosing the system he's choosing. Mr. Langello commends him for his service and states that he has allowed him to speak without interrupting. Mr. Long applauds his persistence on this application. He states that so many alternative options have been proposed, and that he's so stuck on this one proposal. He states, in his opinion, he does not believe this is solely a pumphouse for him. He states he has heard many times over and over the term storage and he believes this is likely wanting a storage building rather than just a pump house. He states that they are bound to give the minimum relief necessary for the requests, which is for a pumphouse – and that what he keeps asking for is not the minimum relief needed for a pumphouse for pool equipment. He states that if he wants to talk about a storage shed, they'll talk about it but that the application in front of them today is for a pumphouse.

Mr. Royer states that he provided renderings as asked for by this Board. He states as he has mentioned time and time again in all hearings that the primary use of the structure is a pumphouse. He states while he may store a ladder in the building or move his furniture inside during a storm but that it is not a storage building. He states that it may be used for additional storage less than 10 percent of the year. He repeats that the primary use is a pumphouse.

Mr. Goodman states that Mr. Royer is being his own worst enemy right now. He states he does not have a problem with the project. He states that his neighbors may have a personal problem with him. He states there is no issue with the line of sight and that it's not a detriment to the community. He states that perhaps he is squeezing the envelope a little too much, but he doesn't have a problem.

Mr. Lombardo asks staff to clarify the Rubbermaid shed and whether or not Mr. Royer could put that on the property without permission. Ms. Kenny references the County's shed policy that a shed less than 60 sq ft in size does not require a permit, however it still needs to meet setbacks.

Mr. Conner states that it's not about the type of structure, it's about the placement of the structure. He states in order to place a structure of any sort in this location; he would need a variance for the setback.

Mr. Conner states that the legal standard for reviewing and approving a variance is substantial competent evidence, but it is not this Boards responsibility to deny the request based on substantial competent evidence so much as it is Mr. Royer's burden to provide substantial competent evidence that the additional height in the structure is needed to support the pumps for approval. He states the Board has given Mr. Royer direction in the past meets to bring them an engineer who can provide real detail competent knowledge, which would then be substantial competent evidence that says the heat load requires a larger structure. He states there has been a lot of statements alleged tonight that the Board has no substantial competent evidence to support. He states they have already given the minimum relief necessary to accommodate the pool and equipment – and that they have not provided substantial competent evidence tonight that would opt them to change the 4' height limitation.

Mr. Lombardo states that he cleans his own pool/equipment and that you need space to be able to do that. He states that he couldn't imagine putting a 4' high structure there with hydraulic pumps and being able to work in there and get the equipment clean, based on his own experience in cleaning his own pool.

Mr. Conners asks Mr. Lombardo if he has heard any evidence tonight that would lead him to that conclusion other than his own experience. Mr. Lombardo states that it's just his personal experience, and while he's not a professional pool cleaner he believes you need space to do so. Mr. Conners states that while they all have their personal experiences/opinions, that is not the standard for which they review.

Mr. Langello adds on to Mr. Conner's comment in reference to the engineer letter or support, and that that would helpful to have on Mr. Royer's behalf to show the Board a document that gave them that substantial evidence. He states Mr. Royer's response has been that the engineer wouldn't do it or have time for it.

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves

Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25 foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane, subject to the following condition;

a. The applicant will provide a window on the front of the structure for aesthetic purposes only. The window does not have to be operable.

Motion to approve by: Michael Goodman
Seconded by: Anthony Lombardo
Anthony Lombardo – Yes
Dan Wilcox – Yes
Timothy Conner – No
Michael Goodman – Yes
Ron Long – No
Mark Langello (Chair) – No
Motion tied 3-3.

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies Project No. 2025080063 on the basis that it doesn't meet the minimum relief necessary for a pump house at 3 Pelican Lane. (Parcel No. 23-11-31-5300-00000-0130).

Motion to deny by: Ron Long
Seconded By: Timothy Conner
Anthony Lombardo – Nay
Dan Wilcox – Nay
Timothy Conner – Aye
Michael Goodman – Nay
Ron Long – Aye
Mark Langello (Chair) – Aye
Motion tied 3-3.

Mr. Langello asks to hear from Ms. Spector on guidance of how to proceed. She echoes Mr. Langello's previous comment that we do need a decision tonight from the Board. She states the Mr. Conners' comments were very poignant in pointing out that the Board has asked for competent substantial evidence and not received competent substantial evidence. She states that the attorney that is here is not an expert and he can't speak to these issues as an expert, and that he has not presented anything from an expert that can speak to these matters. She states the Board is solid in a decision to deny this request and she encourages the Board to reconsider their decision in regard to the tie tonight.

Mr. Goodman proposes to meet in the middle and grant a height of 6' for the structure. He states that he is six feet tall and that he could get into a shed 6' tall. He states that he has pool equipment with pumps at least 3' tall. He states lets meet in the middle and put this to bed.

Mr. Langello responds to Mr. Goodman's proposal and states that he still owns a house right on the ocean, significantly closer and he had all his pool equipment/pumps outside of any structure for 15-20 years. He states after time the equipment had rusted out so he built a pumphouse greater is size to what he's asking for and it all rusted out again anyways. He states not to say its not a good thing to enclose it, but that you don't have to enclose the equipment and that they do function with more air without it. Mr. Langello states meeting in the middle may give him what he

doesn't want. Mr. Langello references that there were options available to Mr. Royer to put the structure in a different location that wouldn't have any issue.

Mr. Goodman states that someone could make a motion to approve the height but require the structure to be up against the house. Mr. Long states that he believes this all boils down to the location of the structure. Mr. Goodman suggest this if he wants an affirmative action tonight. Mr. Conner mentions that they have already approved something he didn't want and it was appealed to the Board of County Commissioners and that if they approve something again he doesn't want they will be back here six months from now doing it all over again. He states that he believes they need to act on the application.

Mr. Langello mentions that they have given a lot of leeway here but they also need to consider that the neighborhood keeps showing up and giving their testimony, and that it matters as well. He states as far as he can recall they have heard no positive remarks from the neighborhood in favor of the request and that they have heard no competent substantial evidence that this is really necessary.

Mr. Goodman mentions that he wonders if the objective is to get a screen from the street. Mr. Langello states that he asked this question to the applicant because that was his opinion as well, and if that is the intent he recommends landscaping but he does not believe that it's the only intent here.

The Board asks Mr. Royer to come back up to see if there is a potential compromise or solution. Mr. Royer states that when he went to the engineering draftsmen, they asked if he already had a permit. He states they told him it would costs a few thousand dollars to draft the plans. He states that he did not want to pay that expense and still not get approval. He states he is not open to tearing down the stucco on his house to connect the structure.

Mr. Goodman suggests taking the structure and flipping the location to the back of the property rather than being on the front corner. Mr. Langello clarifies that Mr. Goodman suggested putting the structure along the back property line. Mr. Royer clarifies that he's willing to do that but it's still going to be away from the primary structure, not attached. Mr. Langello asks from clarification from Mr. Royer if he is amendable to what Mr. Goodman is proposing as a compromise. Mr. Royer states yes, to make this work he is but to have a continuance and he will bring forth a presentation to reflect as much.

Ms. Kenny clarifies that if the pumphouse is moved to the rear and put in line with the house, it is going to require an additional rear setback variance. Mr. Langello clarifies to the applicant that what he is asking for, in and of itself, does not meet the requirements, and will require a variance. He states Mr. Royer will modify his original request with another drawing with substantial evidence on his behalf. Mr. Royer states that he understands this but asks the Board what they would like to see in terms of height and that at minimum he could probably go down to 8' high.

Ms. Kenny clarifies that per our code; the definition of height is the mean roof height which is the average between the bottom and the pitch. She states if the Board has something else in mind when discussing the height, they need to clarify that.

MOTION: The Planning and Development Board continues the variance request to give the applicant time to modify the application. Continuing the variance request to the August 11th Planning and Development Board haring will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

Mr. Langello asks about this side bar happening with Staff. Ms. Spector asks for few minutes to research something brought to their attention.

Ms. Spector clarifies that the concern brought by a member of the public was because the survey was prepared by SWA and signed by Mr. Wilcox, if he should have recused himself like he has done in other cases. She states they have confirmed with Mr. Wilcox and that is their understanding based on the date on the survey that it was not prepared for this variance and as such he had no financial gain from preparation of the survey in advance because of this variance. She clarifies that no recusal was required.

Motion to continue by: Timothy Conner
Second by: Michael Goodman
Anthony Lombardo – Yay
Dan Wilcox – Yay
Timothy Conner – Yes
Michael Goodman – Yes
Ron Long – Yes
Mark Langello (Chair) – Yes
Motion carries unanimously.

6. Staff Comments.

   Ms. Kenny informs the Board of some changes within staff.

7. Board Comments.

8. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

9. Adjournment.
   Motion to adjourn by: Ron Long
   Meeting adjourned at 07:50 P.M.

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, June 3, 2025 10:02 AM
To: Planning Dept
Subject: Zoning variance

Hello,
Would you confirm whether a new request has been submitted for
3 Pelican Lane, Flagler Beach.

If so, please provide the online (guest) access code for the request.

Will it be presented at July meeting?
Thank you,
Jackie O'C

Please excuse typos! Sent from my iPhone

Adam Mengel, AICP, LEED AP BD+C

From: Hannah Lademann
Sent: Tuesday, June 3, 2025 10:07 AM
To: Jackie OConnell; Planning Dept
Subject: RE: Zoning variance

Good morning,

Yes, Mr. Royer did submit a new variance application for 3 Pelican Lane. You can find it using AR #5689 on our online portal. He is set to be on the June 18th Technical Review Committee agenda and then should subsequently fall on the July 8th Planning and Development Board agenda. Let me know if you have any other questions.

Hannah Lademann
Planner
E: [redacted]flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Thursday, June 19, 2025 8:17 AM
To: Planning Dept; Sean S. Moylan
Subject: Feb 11, 2025 Minutes Correction re Project 2024110031 3 Pelican Lane

Planning/Zoning and Legal Team,

As discussed at the June Planning and Development Board meeting, the minutes from the February Board meeting are being revised for voting correction(s) and will be submitted to the Board at the July meeting. **The February minutes also omit any mention of the Public Comments, submitted via email by me and Ms. Nancye Walls, which were referenced by Mr. Mengel at the February meeting and copies provided to the Board members.** By only referencing the two Public Commenters who spoke in favor of the variance request, and omitting the two who submitted opposition, **there is a significant bias in the meeting minutes and public records.** You'll recall that I alerted you to this omission and sent an objection when Applicant took an appeal to the County Commission.

Please revise the February Board minutes to reflect the public comments in opposition to the variance request which were presented at the February meeting. (These Board minutes may be referenced in the updated variance request which Applicant is pursuing.)

Thank you,

Jackie O'Connell
7 and 8 Mockingbird Lane, FB

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Thursday, July 3, 2025 1:18 PM
To: Hannah Lademann; Planning Dept
Subject: Re: Zoning meeting July 8 - Agenda

Will the Agenda and Backup for next Tuesday's meeting be posted today? I don't yet see it on your website.
Thanks, Jackie O'Connell
336.512.9671 mobile
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Adam Mengel, AICP, LEED AP BD+C

From: Hannah Lademann
Sent: Thursday, July 3, 2025 2:08 PM
To: Jackie OConnell; Planning Dept
Subject: RE: Zoning meeting July 8 - Agenda

Yes, it should be posted before the end of the day. They are finishing up some staff reports as we speak.

Hannah Lademann
Planner
E: [redacted]flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

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Cc: Planning Dept
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Thanks. Happy 4th to you!
336.512.9671 mobile
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Adam Mengel, AICP, LEED AP BD+C

From: rental POC, Nan <[redacted]gmail.com>
Sent: Monday, July 7, 2025 9:52 AM
To: Planning Dept
Subject: Scanned Document 6
Attachments: Scanned Document 6.pdf

Nancye walls comments on 3 Pelican Lane, Project 2025050042-AR 5689

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Monday, July 7, 2025 10:09 AM
To: Adam Mengel, AICP, LEED AP BD+C
Subject: FW: Scanned Document 6 (Planning and Development Board public comment on Item No. 8)
Attachments: Scanned Document 6.pdf

Importance: High

Hello Planning and Development Board members:

Please see below and attached regarding public comment received after publication of the Planning and Development Board meeting agenda. This comment is related to Item No. 8, Mr. Royer's resubmitted variance application at 3 Pelican Lane (Project No. 2025050043/AR No. 5689).

Please contact us with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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Nancye walls comments on 3 Pelican Lane, Project 2025050042-AR 5689

Comments Regarding 3 Pelican Lane Project No. 2025050042- AR5689-
Variance in the Residential Limited Commercial District

Good Morning,

My name is Nancye Walls. I am the owner of 7 Pelican Lane which is on the west side of Mockingbird Lane directly across from 3 Pelican Lane.
I do not agree to approve any variance beyond accommodating the house footprint that existed when Mr. Royner purchased 3 Pelican Lane in 2017.

The variance request is to build pool pump house and fence that would extend almost to his west side property line adjacent to the 50 foot wide road – Mockingbird. There are 6 residences and vacant lots on Mockingbird. Building this close to the road will prevent parallel parking for cars, RVs, boats that are used by residence and/or come in the neighborhood with friends and family. Also space is needed for the routine Amazon truck, other delivery and Emergency vehicles. Additionally the height of the pool house is a safety issue that can block the view of children and adult pedestrians and vehicles and the structure on planned location would be an eye-sore.

As background:
There are 20 Plus lots in this River-Beach development started in 1960s. There are 3 roads in the development – Pelican, Mockingbird and Cardinal Lanes – each is a 50 foot wide parcel of land. Some portion of each road is a combination of gravel, sand and grass. The gravel passageway is a single lane section within the road so it may appear that parking is available on the grass and sand, but technically vehicles should not park on the road. Each home owner should have an easement on their property wide enough for extra and visitors parking and for rainwater drainage. Dealing with rain water is a growing concern that will increase when the 3-4 vacant lots along Mockingbird are developed.
Mr. Royner has a large house (3,500 sqare feet including driveway and porches) but his lot is only 7,500 square feet. The east side and front of his property may be an option or the rear section or some portion of his house which has a permanent roof may be repurposed for his endless lap pool and pumping equipment.

Respectfully;

NANCYE WALLS, 571-426-2867

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, July 8, 2025 3:15 PM
To: Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Hannah Lademann; Chuck Merenda
Subject: FW: Scanned Document 6 (Planning and Development Board public comment on Item No. 8)
Attachments: Public Comment (AR 5689).pdf

Importance: High

Hello Planning and Development Board members,

Please see the attached document for another public comment regarding Item No. 8, Mr. Royer's resubmitted variance application at 3 Pelican Lane (Project No. 2025050043/AR No. 5689).

Please contact us with any questions,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

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Please contact us with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

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Nancye walls comments on 3 Pelican Lane, Project 2025050042-AR 5689

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
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RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Friday, July 18, 2025 4:20 PM
To: Jackie OConnell
Cc: PublicRecords; Simone Kenny, AICP
Subject: Variances within River Beach subdivision

Hi Ms. O'Connell:

I checked Department records for variances within River Beach using the following search terms:

- "23-11-31-5300"
- "Cardinal"
- "Mockingbird"
- "Pelican"
- "River Beach"

No files were found other than the variance files associated with Mr. Royer's request at 3 Pelican Lane.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, July 20, 2025 5:46 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: PublicRecords; Simone Kenny, AICP
Subject: Re: Variances within River Beach subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks to you and Simone for the assistance on Friday. At the next meeting, I plan to say/write "As confirmed in a recent search of public records, no other variances have been sought, nor granted, in our subdivision."
Let me know of any objection.

Jackie O'Connell
336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Friday, August 8, 2025 8:51 AM
To: Simone Kenny, AICP; Planning Dept
Subject: 3 Pelican Lane - Badu Stream II info
Attachments: Badu Stream plumbing photo.pdf; Installation-Manual-BaduStream-II description.pdf

Good morning Simone,
I did a quick google search of the Badu pumps which Mr. Royer says he will install. Here is the link to the full Installation guide. I've attached two excerpts which would be helpful to send to the Board in their package.
Thank you, Jackie

From Badu site

https://www.badujet.com/wp-content/uploads/2021/03/Installation-Manual-BaduStream-II.pdf

Jackie O'Connell

Plumbing installation for the BaduStream ***Package D (system include three jet housings & two pumps)***

NOTE: ***(Three Jet Installation)*** *Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

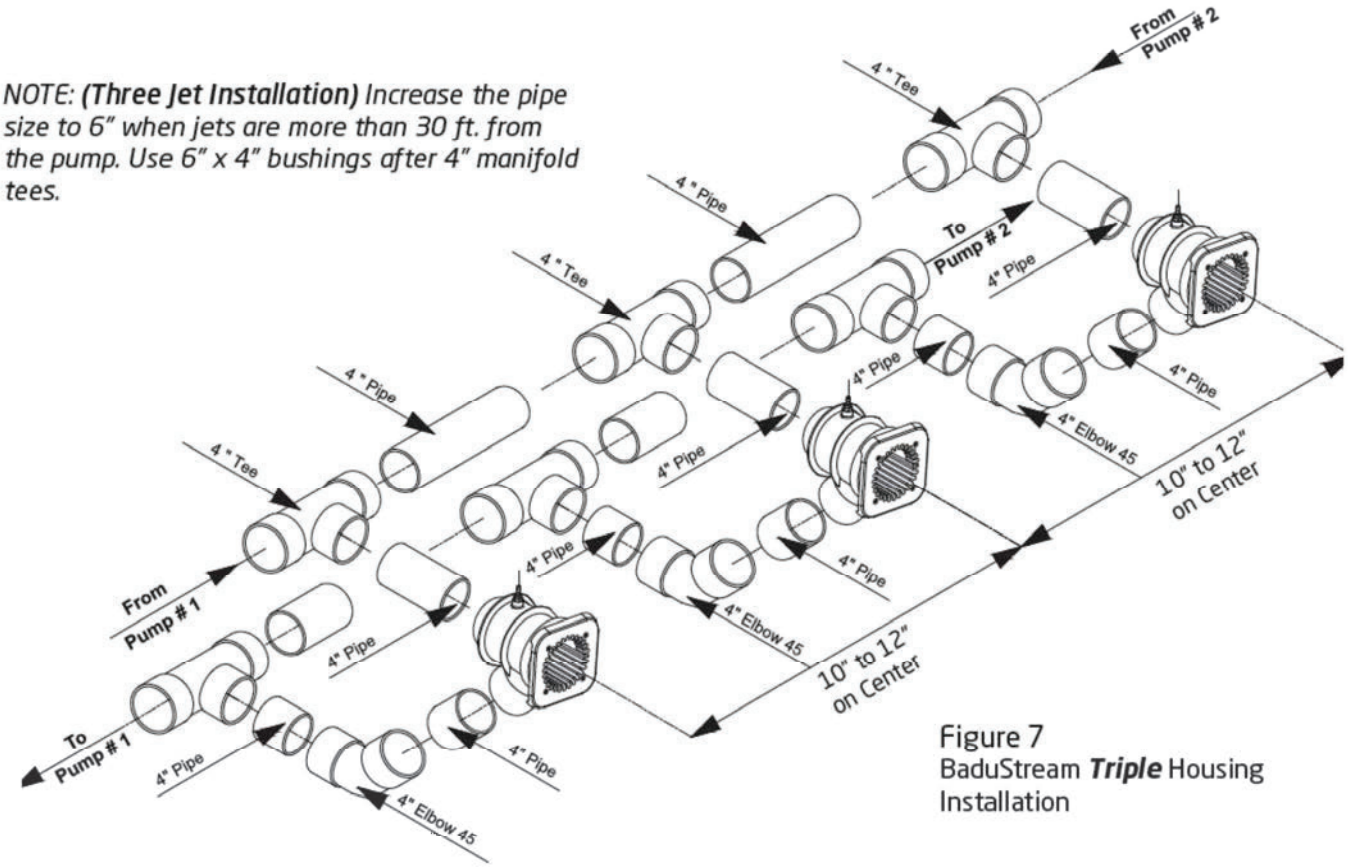


Figure 7
BaduStream ***Triple*** Housing Installation

IMPORTANT NOTE: ***CHECK VALVES <u>MUST BE</u>*** *used on the discharge side of each pump. Minimum 4" pipe between pump and BaduStream plumbing manifold.*





Figure 8
Check Valves Installed

2 General Description

Badu®Stream *II*

The Badu SwimJet Systems from Speck Pumps are designed to be installed during the construction of your pool to create a water treadmill for anyone wanting a therapeutic and effective exercise.

The Badu SwimJet Systems can be installed in any type of pool, large or small, from gunite to vinyl liner. It has no protruding parts ensuring pool user's safety, is very compact and installs at minimal cost. The self-contained, flush-mounted unit is a jet-propulsion system that pumps water into the pool creating a current in excess of 5,700 gallons per minute from a single recessed jet housing.

Topping off the experience is the pulsating massage hose which can be attached to the jet nozzles for easy and convenient massage treatments for joints and muscles. *(NOTE: The massage hose is sold separately.)*

3 Installation Information

Receiving Information

1. Upon receipt of the swimjet system, check the cartons for damage. Open each carton and check the pump(s), jet housing(s), and control box for concealed damage, such as cracks, dents, or a bent base. If damage is found, contact the shipper or distributor where the swimjet was purchased.

2. Inspect the contents of each carton and verify that all parts are included. *(See Image 1)*

A. Flush-mount jet housing

B. Square, anti-entrapment cover (8¼" x 8¼") undetectable pump suction. *(Optional Round Cover available)*

C. Adjustable water flow jet nozzle

D. Air regulator adjusts amount of air bubbles in water flow.

E. Control box complete with GFCI and WiFi control module.

F. SPECK Model 21-80/33GS 4.0 HP (or a SPECK Model 72-VI 3.5 HP) self-priming, single phase plastic pump with built-in thermal overload *(no motor starter required)*. Optional three phase pump and control box available. *(NOTE: Flooded suction pump available for installation below water level.)*



Image 1
BaduStream II System (1 jet & 4 HP pump)

G. System (ON/OFF) LED Touch Button - Complete with 1.5" threaded housing fits into any 1.5" return fitting. The Touch button turns the swimjet system ON/OFF. Waterproof button may be installed below water level.

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, August 10, 2025 3:58 PM
To: Planning Dept; Sean S. Moylan
Subject: July Minutes - 3 Pelican

I noticed that there is no mention of the two Public Comments sent via email, from Ms Walls and Mr Benoit, in opposition to the Pelican variance request. Would you please update the minutes to reference this opposition before the Board approves.
Thank you,
Jackie O'Connell

Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Sean S. Moylan
Sent: Monday, August 11, 2025 7:59 AM
To: Adam Mengel, AICP, LEED AP BD+C; Simone Kenny, AICP; Hannah Lademann; Sarah Spector
Subject: Fw: July Minutes - 3 Pelican

The written comments are part of the record but don't have to be mentioned or spread on the mins. I suggest treating these written cmts just as have historically treated any other.

Get Outlook for iOS

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, August 10, 2025 3:57:32 PM
To: Planning Dept <[redacted]flaglercounty.gov>; Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: July Minutes - 3 Pelican

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Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Monday, August 11, 2025 8:08 AM
To: Jackie OConnell; Planning Dept; Sean S. Moylan
Subject: RE: July Minutes - 3 Pelican

Hello Jackie,

The meeting minutes reflect discussion and actions taken during the meeting. Public Comments are included in the record of each item which are published as part of the backup. They are not included in the minutes.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner
E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 11, 2025 9:46 AM
To: Simone Kenny, AICP
Cc: Planning Dept; Sean S. Moylan
Subject: Re: July Minutes - 3 Pelican

Thanks for your quick response. Let me clarify...I'm not suggesting the actual emailed comments be included in the minutes. I'm requesting that the minutes reflect there were (the existence of) two (emailed) opposing "public comments" received and shared with the Board. If a reference isn't part of the official record of the meeting, no one will know there was additional opposition.

When Mr Royer recently appealed to County Commission, a similar omission was in the Planning Board's February minutes. Mr. Mengel had to verbally state to the Commission there was additional opposition, not referenced in the Planning minutes. Subsequently, the Planning Board minutes for February were amended to reference the emailed opposition.

Shouldn't a similar reference, noting that two opposing emailed comments were received, be included in the July minutes for the Planning Board?

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

> On Aug 11, 2025, at 8:08 AM, Simone Kenny, AICP <[redacted]flaglercounty.gov> wrote:
>
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Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Tuesday, August 12, 2025 2:18 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: Chuck Merenda; Simone Kenny, AICP
Subject: FW: Objection to Variance Request
Attachments: 3 Pelican Ray - GEB ltr to County.pdf

Importance: High

Planning and Development Board members:

Please see below and attached regarding Agenda Item No. 5.

Please contact us with any questions.

Thank you,

Adam

From: George Benoit <[redacted]icloud.com>
Sent: Tuesday, August 12, 2025 2:01 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: O'Connell Daniel & Jacqueline <[redacted]yahoo.com>
Subject: Objection to Variance Request

Flagler County Zoning and Planning Department,

Re: Project No. 2025050043
Please include my objection to the requested variance that I had sent in for a previous hearing.

George E Benoit
17 Pelican Ln.

George

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit

STOP





Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 4:16 PM
To: Planning Dept
Subject: Fwd: 3 Pelican - meeting tomorrow - Tuesday morning

Wanted to give a heads up that we will come to your office tomorrow (Tuesday) between 10-noon to discuss questions regarding R/C zoning requirements, procedures for PDB meetings, and appeals to BOCC.
If the appropriate staff won't be available during that time frame, we can shift to 1-3p. Pls advise by 8:30am if the afternoon works better.
Thank you,
Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

Begin forwarded message:

> **From:** Jackie OConnell <[redacted]yahoo.com>
> **Date:** August 13, 2025 at 11:19:28 AM EDT
> **To:** Simone Kenny AICP <[redacted]flaglercounty.gov>
> **Subject: 3 Pelican**
>
> Hi Simone,
> Would you be available to meet w Dan and me to answer a couple of questions regarding the zoning code/requirements? Probably 30 minutes[redacted] your office.
>
> How does your schedule look for Monday 8/18, anytime, or this Friday 8/15, 11am-5pm. If either will work, you pick the time.
> Thank you,
> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 8:14 PM
To: Simone Kenny, AICP
Cc: Planning Dept
Subject: Re: 3 Pelican - meeting tomorrow - Tuesday morning

Will do, thx
Please excuse typos! Sent from my iPhone

On Aug 18, 2025, at 4:25 PM, Simone Kenny, AICP <[redacted]flaglercounty.gov> wrote:

Hello,

Apologies for missing your earlier email. We have a meeting from 11 am to 12pm and I will be out of the office for meeting after 2pm. To make sure we have enough time to answer your questions, I'd recommend coming a little before 10.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

<image002.png>

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> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 19, 2025 3:43 PM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: Re: follow up Board/Commission meetings

Hello Ms. Spector,

Your email came in while my husband and I were meeting w Ms. Kenny and Lademann. They have probably shared w you a bit more color around our inquiries.

Regarding a tie vote. As you confirmed, the LDC states that in case of quorum and tie-vote, the item fails. This was the situation at the Aug 12 meeting. There was a motion and vote to approve, resulting in a tie, and thus the decision of the Board was that the variance did not pass. The Acting Chair and another Board member stated it was appropriate to move to the next agenda item. The Board vote was not rescinded. Only after the "inquiry/guidance" from Staff did the invalid discussions, motion and vote to continue ensue.

Regarding continuance. The LDC states that only one continuance may be allowed. If your position is that more continuances may be granted in cases of tie vote, then an infinite number of continuances could be needed/granted; this is not documented in Code, nor is it reasonable. In the PDB meeting, Staff stated that there is a maximum of two ("just two") continuances allowed. Which code section (or precedence) states any circumstances that allows for more than one continuance?

Given the importance of timing in "decisions", we request these procedural errors be addressed as soon as possible, certainly within a week. Should the invalid continuance be perpetuated at Sept meeting, there is compounding of a procedural error, not to mention bias in favor of Applicant.

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

On Aug 19, 2025, at 10:26 AM, Sarah Spector <[redacted]flaglercounty.gov> wrote:

Good morning, Ms. O'Connell-

As to your first question, Section 2.02.03(5) of the Land Development Code provides that each decision of the planning and development board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. In the absence of a majority vote, the item fails.

As to the second question, Section 3.07.03(B)(3) of the Land Development Code allows for one continuance due to lack of necessary info ("If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception."). However, there is nothing in the Code that prohibits an additional continuance for other reasons like, here, where the Board had an even number of members and wanted to wait to vote again when there would possibly be an odd number in attendance.

Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

FLAGLER COUNTY FLORIDA

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 9:50 AM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

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1) Would you provide the LDC Code (or relevant procedural code) section which addresses a Planning and Development Board "tie vote" and resulting decision.
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Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

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> I verified your comments/emails were not made part of the record on appeal. I instructed staff that the entire record must be presented to the BCC on appeals.
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> Sean S. Moylan
> Deputy County Attorney

> Board Certified City, County, and Local Government Law
> E: [redacted]flaglercounty.gov | V: 386-313-4056
>
> Flagler County Board of County Commissioners
> 1769 E. Moody Blvd., Bldg 2
> Bunnell, FL 32110
>
>
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> Sent: Sunday, August 17, 2025 2:02 PM
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> Subject: follow up Board/Commission meetings
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> Hello Mr. Moylan,
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> Thanks,
> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, August 26, 2025 12:23 PM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: Re: follow up Board/Commission meetings

Thank you for the update. Is Mr. Royer aware that procedural questions were raised by me (using my name) or was a generic reason given (public inquiry, staff question, etc)? Also would you provide the portal access # for his new application?
Jackie
Please excuse typos! Sent from my iPhone

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The first stop for the new application will be the Technical Review Committee on September 17, 2025. From there it will be scheduled for hearing by the Planning and Development Board, likely in October but this will be decided at the TRC meeting.

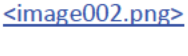
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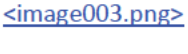
Sarah Spector
Assistant County Attorney

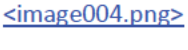
E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110











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336.512.9671 mobile
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> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Wednesday, August 27, 2025 8:04 AM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: Re: follow up Board/Commission meetings

Surely there could have been a more objective way, without my name or inference, to address this w Mr Royer and, if not too late, with PDB.

How was, or will, my inquiries be conveyed to the Chair/Vice, and rest of members?
What will August draft minutes reflect as outcome? A decision "rendered"?

Regarding the reapplication, which procedures (vote, # of continuances, etc.) will be followed?

Not being argumentative, I simply need to know to whom and how I've been identified and which rules apply.

Thank you, Jackie

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

> On Aug 26, 2025, at 4:31 PM, Sarah Spector <[redacted]flaglercounty.gov> wrote:
>
> The new AR # is 5921.
>
> I cannot state with certainty whether you were referred to by name, but I do know that Mr. Royer was aware of the inquiry you made.
>
> ---
>
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> **Sent:** Tuesday, August 26, 2025 12:23 PM
> **To:** Sarah Spector <[redacted]flaglercounty.gov>
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Assistant County Attorney

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<[redacted]flaglercounty.gov>
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Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

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Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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Sent: Monday, August 18, 2025 9:50 AM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

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Sent: Friday, August 29, 2025 3:43 PM
To: Sarah Spector; Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan; Planning Dept
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I hope that this information is helpful and please contact us with any questions.

Thank you,

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From: Jackie OConnell <[redacted]yahoo.com>
Sent: Tuesday, September 2, 2025 3:35 PM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan; Simone Kenny, AICP
Subject: Re: follow up Board meetings DATE??

I left a voicemail message last Friday (Aug 29) to clarify meeting dates, before receiving Mr. Mengel's email later that day.

Mr. Royer's application is dated Friday, August 22

Public notice letter is dated and postmarked (Monday), August 25. Staff review of Mr. Royer's application, decision to waive TRC and schedule for Sept PDB meeting must have been made before or on that day.

Effectively, Mr. Royer got another continuance.

Your email of August 26 noted a TRC meeting in September, followed by PDB meeting likely in October.

In any case, I understand that the PDB meeting is September 9.

Thank you.

Please excuse typos! Sent from my iPhone

> On Sep 2, 2025, at 1:45 PM, Sarah Spector <[redacted]flaglercounty.gov> wrote:
>
> Ms. O'Connell-
>
> I was out of the office as of last Wednesday afternoon, but I was following email traffic. Because the email from Mr. Mengel went out at the end of the day on Friday, I did not realize until I received your voicemail today that you still had a question regarding the TRC hearing date on Mr. Royer's new application.
>
> As Mr. Mengel mentioned in his email below, my August 26 email was sent in the brief period of time after Mr. Royer submitted his application but before it had been reviewed by staff. Once it was determined that TRC review was not needed, notice was provided as required for the September 9 Planning and Development Board meeting.
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> Mr. Royer's application will be heard by the Planning and Development Board on September 9, 2025.
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No, it is 14 days, and the signs are posted by County staff.

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Your email came in while my husband and I were meeting w Ms. Kenny and Lademann. They have probably shared w you a bit more color around our inquiries.

Regarding a tie vote. As you confirmed, the LDC states that in case of quorum and tie-vote, the item fails. This was the situation at the Aug 12 meeting. There was a motion and vote to approve, resulting in a tie, and thus the decision of the Board was that the variance did not pass. The Acting Chair and another Board member stated it was appropriate to move to the next agenda item. The Board vote was not rescinded. Only after the "inquiry/guidance" from Staff did the invalid discussions, motion and vote to continue ensue.

Regarding continuance. The LDC states that only one continuance may be allowed. If your position is that more continuances may be granted in cases of tie vote, then an infinite number of continuances could be needed/granted; this is not documented in Code, nor is it reasonable. In the PDB meeting, Staff stated that there is a maximum of two ("just two") continuances allowed. Which code section (or precedence) states any circumstances that allows for more than one continuance?

Given the importance of timing in "decisions", we request these procedural errors be addressed as soon as possible, certainly within a week. Should the invalid continuance be perpetuated at Sept meeting, there is compounding of a procedural error, not to mention bias in favor of Applicant.

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

On Aug 19, 2025, at 10:26 AM, Sarah Spector <[redacted]flaglercounty.gov> wrote:

Good morning, Ms. O'Connell-

As to your first question, Section 2.02.03(5) of the Land Development Code provides that each decision of the planning and development board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. In the absence of a majority vote, the item fails.

As to the second question, Section 3.07.03(B)(3) of the Land Development Code allows for one continuance due to lack of necessary info ("If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception."). However, there is nothing in the Code that prohibits an additional continuance for other reasons like, here, where the Board had an even number of members and wanted to wait to vote again when there would possibly be an odd number in attendance.

Sarah Spector
Assistant County Attorney

E: [redacted]flaglercounty.gov | V: 386-313-4058 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

<image002.png>

<image001.png>

<image003.png>

<image004.png>

<image005.png>

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in

collaboration with the cities and to act as a fiscally responsible steward.

-----Original Message-----
From: Jackie OConnell <[redacted]yahoo.com>
Sent: Monday, August 18, 2025 9:50 AM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: Re: follow up Board/Commission meetings

Thank you. In regard to the two other open items:

1) Would you provide the LDC Code (or relevant procedural code) section which addresses a Planning and Development Board "tie vote" and resulting decision.
2) Would you provide the Code reference(s) which indicates the situation(s)when the PDB may grant a second continuance for a variance request in an R/C district. (The only related section I identified is FC 3.07.03.B.3.)

Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

> On Aug 18, 2025, at 8:07 AM, Sean S. Moylan <[redacted]flaglercounty.gov> wrote:
> Good morning,
> I verified your comments/emails were not made part of the record on appeal. I instructed staff that the entire record must be presented to the BCC on appeals.
>
>
> Sean S. Moylan
> Deputy County Attorney
> Board Certified City, County, and Local Government Law
> E: [redacted]flaglercounty.gov | V: 386-313-4056
>
> Flagler County Board of County Commissioners
> 1769 E. Moody Blvd., Bldg 2
> Bunnell, FL 32110
>
>
> -----Original Message-----
> From: Jackie OConnell <[redacted]yahoo.com>
> Sent: Sunday, August 17, 2025 2:02 PM
> To: Sean S. Moylan <[redacted]flaglercounty.gov>
> Subject: follow up Board/Commission meetings
>
> Hello Mr. Moylan,

> I appreciate the time you took to talk with me last Wednesday. There were a couple of items, relating to meetings on May 5 and Aug 12, that you were going to verify or research. Would you be able to provide an update (call or email) sometime on Monday, 8/18?
> Thanks,
> Jackie O'Connell
>
> 336.512.9671 mobile
> Excuse brevity and typos, sent from mobile device

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Friday, September 5, 2025 8:52 AM
To: Simone Kenny, AICP; Planning Dept
Subject: Information for PDB package re 3 Pelican
Attachments: Fact Checker 3 Pelican variance.pptx

Hello Simone and Planning Team,

Attached is a file of 9 slides for inclusion in the PDB's packet re 3 Pelican variance request. There is a one-page summary of pertinent statements/assertions, compared to "facts", followed by 8 supporting documents.

If you have any issues accessing the file, don't hesitate to call me.

Kindly
confirm receipt and thank you,

Jackie O'Connell
Mockingbird Ln

Applicant - 3 Pelican Lane	**Fact-checking**
Pumps are "special", "unique" [from Germany] and need more space than standard pumps. (all meetings)	Badu manufacturer tech data: "**compact system", 4'H more than sufficient** for pumps and cover.
	Public submitted data at August meeting. See Slides 1-2
Does not want to place pump house on back *[NW]* corner of house because it is made of plywood. (Jan, Feb, May, July)	Flagler Co Property Appraiser website shows house **footprint as concrete/stucco with masonry** frame. No back porch is indicated.
	Public submitted data at February meeting. Slides 3-4
Pump house needed for **pumps "90% of the time**, 10% of the time needed for outdoor furniture storage" (July)	**Minimum relief** with condition of 4' height for pump house/cover was **granted**.
Pump house has **grown from 72 sf** (Feb) **to 96 sf** (July, Sept)	The pump house is essentially the size of a **house addition, proposed within 2 1/2 feet of property line, street side**. Non-conforming with neighborhood character or safe sightlines.
"Runoff issues have been settled with County Attorney" (Aug)	**Mr. Moylan did not** indicate that he **concurred** with this statement.
	Existing downspouts extend beyond Royer **property. No plan for excess lot coverage.** Public submitted **photo at February meeting. Slide 5**
"Restrictive covenants require 4' [*maximum]* on property line for fences/walls." (May, Aug)	**Correct. Public submitted recorded data at January meeting. Slide 6**
If road was properly platted, the road/ROW would be much closer to my property line [*than existing pavement]* . (Aug)	Correct. **Renderings not drawn to scale or reality**. Street/pool setback required 25'. Variance of 22.34' due to **oversized pump house. Slide 7**



Slide 1

Badu Jet Stream II pump system, per Speck Pumps (German manufacturer)

Height less than 4’

Badu Jet Stream Package D system (per Applicant's youtube link)

Slide 2

Safe Search | Flagler Count | Politics Chat | qPublic.net | Public Comm | Microsoft Out | Microsoft Out | Microsoft Out | Badu Stream

File file:///C:/Users/Jackie/OneDrive/Flagler/Final%20Variance%20%232%20presentation/Badu%20Stream%20plumbing%20photo.pdf

Badu Stream plumbing photo.pdf 1 / 1 75%



1

Plumbing installation for the BaduStream ***Package D (system include three jet housings & two pumps)***

*NOTE: **(Three Jet Installation)** Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

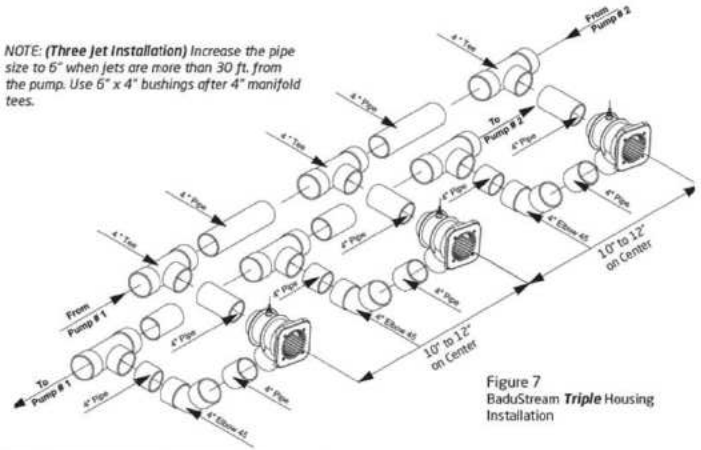


Figure 7
BaduStream ***Triple*** Housing Installation

*IMPORTANT NOTE: **CHECK VALVES MUST BE** used on the discharge side of each pump. Minimum 4" pipe between pump and BaduStream plumbing manifold.*

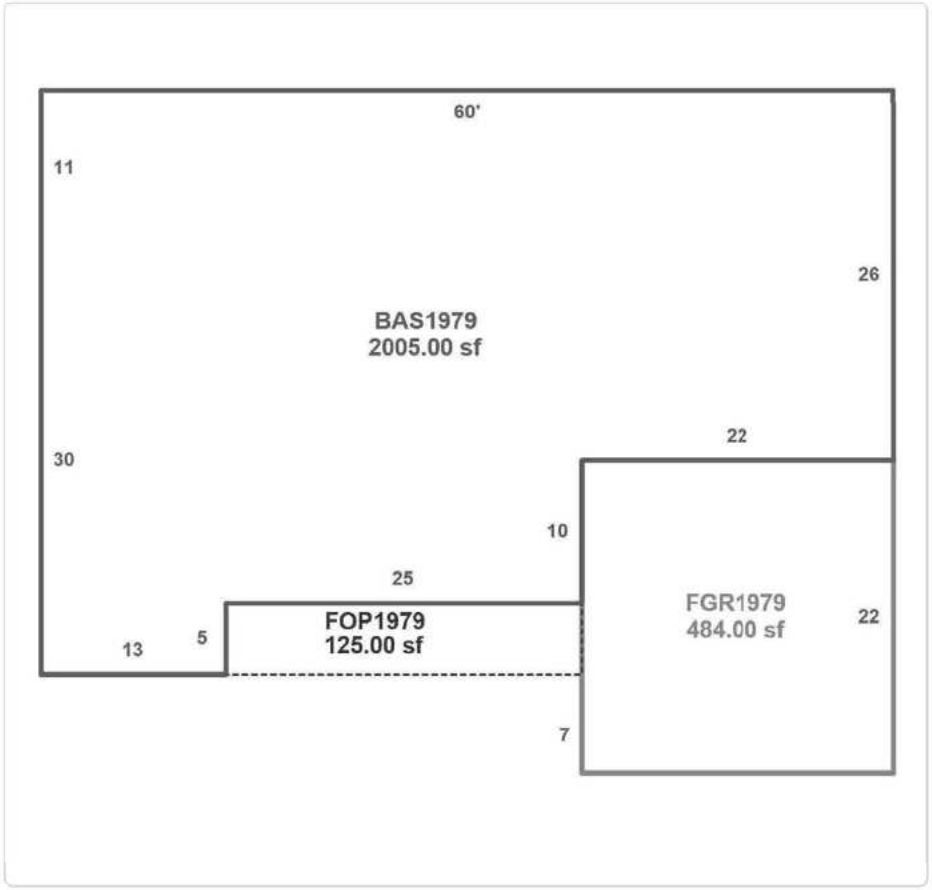
sample photos





Figure 8

Slide 3



3 Pelican Ln

FOOTPRINT and WALLS – NO back porch (or plywood) indicated

Source: Flagler Co. Property Appraisers Office

Building Area Types

Type	Description	Sq. Footage	Act Year
BAS	BASE AREA	2,005	1979
FGR	F GARAGE	484	1979
FOP	F OPN PRCH	125	1979

Slide 4

Owner Information

Primary Owner
Royer Raymond R Jr & Janice L
Paxson
3 Pelican Lane
Flagler Beach, FL 32136

Parcel Summary

Parcel ID	23-11-31-5300-00000-0130
Prop ID	72186
Location Address	3 PELICAN LN FLAGLER BEACH, FL 32136
Brief Tax Description*	RIVER BEACH SUBD LOT 13 & S 8' OF LOT 16 OR 98 PG 436 OR 117 PG 673 OR 282 PG 842 OR 446 PG 1875 OR 607 PG 593 OR 989 PG 468 OR 1349 PG 424 OR 1637 PG 1824-CD OR 1664/1311-CT OR 1684/843 OR 2123/1590 OR 2231/845 (Note: *The Description above is not to be used on legal documents.)
Property Use Code	SINGLE FAMILY (000100)
Tax District	UNINCORPORATED AREA WITH MOSQUITO CONTROL (District 1)
Millage Rate	14.1324
Homestead	Y
GIS sqft	7,499,556

View Map

Residential Buildings

Building	1
Type	SINGLE FAM
Total Area	2614
Heated Area	2005
Exterior Walls	CON.STUCCO
Roof Cover	ASP/COM SH
Interior Walls	DRYWALL
Frame Type	MASONRY
Floor Cover	CERA/CLAY; HARDWOOD
Heat	FO AIR DCT
Air Conditioning	CENTRAL
Bedrooms	3
Bathrooms	2
Actual Year Built	1979
Effective Year Built	2009

Sketches

Exterior Walls: Con/Stucco
Frame: Masonry

000002

Slide 5 – Backyard 3 Pelican



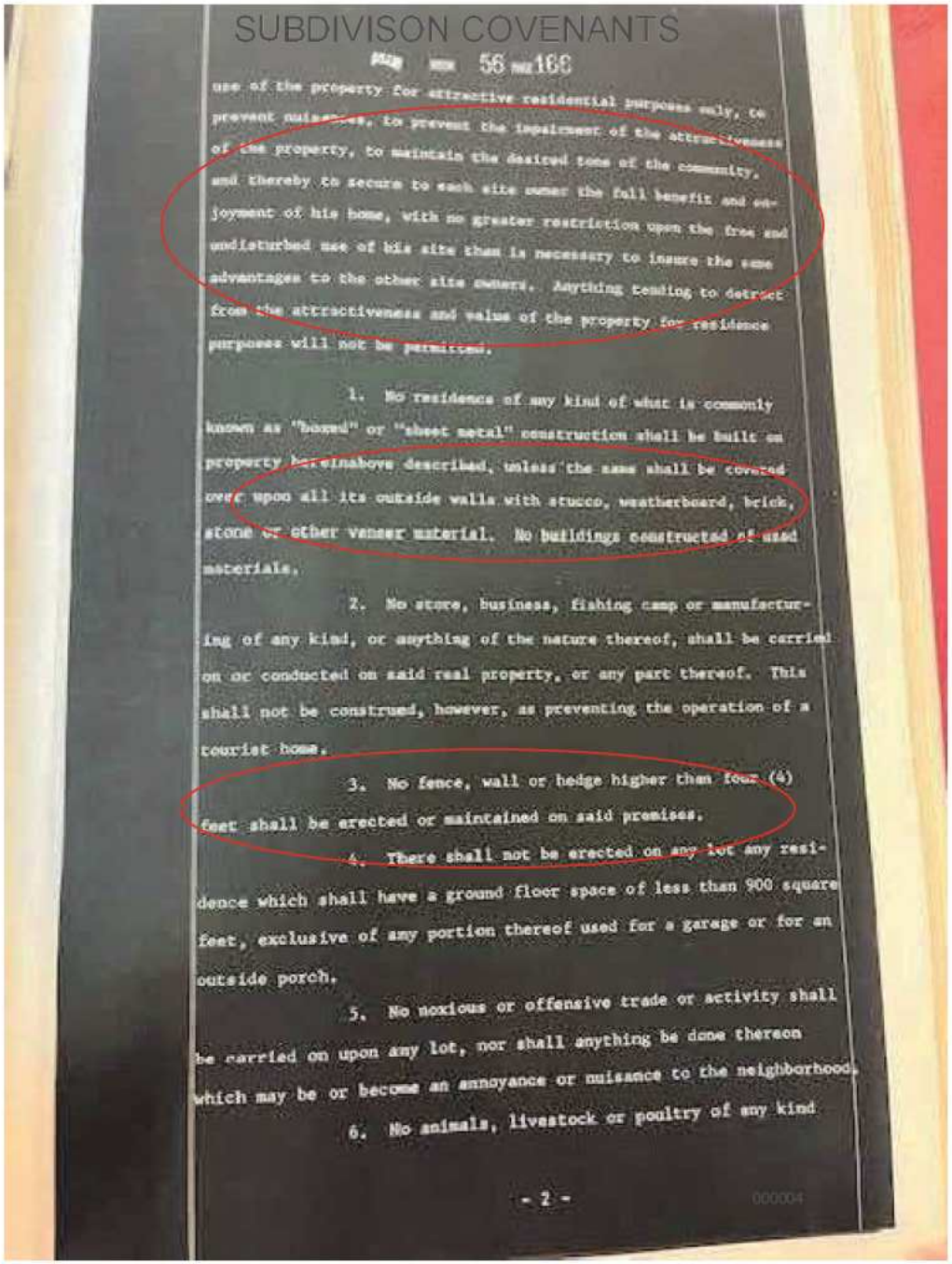
Property markers placed by Applicant

Existing downspouts extend onto adjacent property.

Impervious pool deck will extend to west property line.

Adding large pool/pump house, beyond minimum needed, will worsen runoff onto Pelican and Mockingbird.

Recorded Covenants



SUBDIVISON COVENANTS

BOOK 56 PAGE 166

use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, to maintain the desired tone of the community, and thereby to secure to each site owner the full benefit and enjoyment of his home, with no greater restriction upon the free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners. Anything tending to detract from the attractiveness and value of the property for residence purposes will not be permitted.

1. No residence of any kind of what is commonly known as "boxed" or "sheet metal" construction shall be built on property hereinabove described, unless the same shall be covered over upon all its outside walls with stucco, weatherboard, brick, stone or other veneer material. No buildings constructed of used materials.

2. No store, business, fishing camp or manufacturing of any kind, or anything of the nature thereof, shall be carried on or conducted on said real property, or any part thereof. This shall not be construed, however, as preventing the operation of a tourist home.

3. No fence, wall or hedge higher than four (4) feet shall be erected or maintained on said premises.

4. There shall not be erected on any lot any residence which shall have a ground floor space of less than 900 square feet, exclusive of any portion thereof used for a garage or for an outside porch.

5. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. No animals, livestock or poultry of any kind

- 2 -

000004

Slide 6

River Beach Covenants

- "maintain the tone of the community"
- "not detract...from value"
- Limit fence height to 4' [property lines]

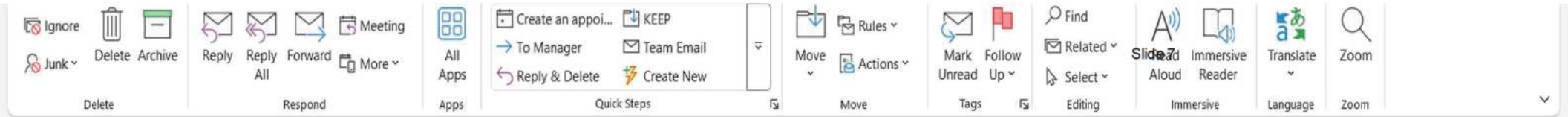
Applicant's artist drawing:
"computer-generated, not to scale"



Actual photo taken from street level.
Mockup of impaired sightlines, extending to 2.5' of property line.



Required street side setback 25'
Variance requested 22'+, for oversized pump house.



Slide 7

Variances within River Beach subdivision

Reply | Reply All | Forward | ...

Fri 7/18/2025 4:20 PM

AM

Adam Mengel, AICP, LEED AP BD+C <amengel@flaglercounty.gov>
To Jackie OConnell
Cc PublicRecords; Simone Kenny, AICP

This message has been replied to or forwarded.

Hi Ms. O'Connell:

I checked Department records for variances within River Beach using the following search terms:

- "23-11-31-5300"
- "Cardinal"
- "Mockingbird"
- "Pelican"
- "River Beach"

No files were found other than the variance files associated with Mr. Royer's request at 3 Pelican Lane.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: amengel@flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

Email from Mr. Mengel – no variances in River Beach subdivision.

Two new houses and two new pools since 2017 – undersized lots, no variances.

Owners value the neighborhood character.

From: George Benoit
To: Simone Kenny, AICP
Cc: O"Connell Daniel & Jacqueline; Hare Robert & Natalie; Ayer Sari; Lane Terri
Subject: Objection to Royer Variance Request
Date: Sunday, September 7, 2025 2:00:57 PM
Attachments: 3 Pelican Ray-GEB 2.pdf

George

September 6, 2025

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance. I had provided the attached letter and photos for previous hearings on this matter.

Sincerely,

George E Benoit

17 Pelican Lane &
6 Driftway Terrace
Flagler Beach, FL 32136

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit


STOP





From: Teresa Lane
To: Simone Kenny, AICP
Subject: Project No. 2025050042-AR 5689 Variance
Date: Monday, September 8, 2025 8:22:09 AM

September 8, 2025

Flagler County Planning and Development
1768 E. Moody Blvd. Bldg. 2
Bunnell. Fl 32110

Dear Sirs;

The residents of 6 Cardinal Lane, in the River Beach Subdivision, are against the passing of the variance requested by Mr. Royer. We are concerned that his project will cause more deterioration of our roads, due to improper drainage.
We feel that granting this variance will entitle all other homeowners the same consideration.
We realize that Mr. Royer has been very persistent with his request for the variance and this has continued for many months. We ask that you please not approve this variance just to bring an end to his request.

Sincerely,

Theresa Lane
386-517-8731
Sari Ayer
386-793-4166

Sent from my iPhone

Adam Mengel, AICP, LEED AP BD+C

From: rental POC, Nan <[redacted]gmail.com>
Sent: Monday, September 8, 2025 9:02 AM
To: Planning Dept; Jackie OConnell
Subject: Sep 9 Planning Board Mtg, proj# 2025080063- 3 Pelican Lane
Attachments: Scanned Document.pdf

Pls vote NO and see my attached comments

From:	Jajlo
To:	Simone Kenny, AICP; Jeff Rizk ICE
Subject:	Project No. 2025050042-AR5689 Variance in the Residential/Limited Commercial District.
Date:	Monday, September 8, 2025 9:50:14 AM
Attachments:	To Flagler County Planning and Development.docx

Please read attached letter.
Thank you,
Dawn Harris

To: Flagler County Planning and Development

1468E Moody Blvd

Bldg 2

Bunnell Fl 32110

Project No. 2025050042-AR5689 Variance in the residential/limited commercial district.

Dear Sir/Ma'am,

The residents at 3 Cardinal Ln in the River Beach Subdivision are against the passing of the variance requested by Mr. Royer. We are concerned about this project causing further damage to our roads and this will set precedence for future homeowners to do the same thing. We know Ray Royer has been very persistent in trying to get his variance, but we ask that you do not approve this variance.

On a personal note, I grew up in this neighborhood and most of the homes were built by my great uncle Charles "Red" Bourland, who was also the mayor of Flagler Beach back in the 80' s. My goal is to keep the integrity of our neighborhood as was set down by my family.

Thank you,

Dawn Harris

5867385237

Jeff Rizk

5865562279

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Monday, September 8, 2025 1:43 PM
To: Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: Objection to Royer Variance Request
Attachments: 3 Pelican Ray-GEB 2.pdf

Good afternoon Planning and Development Board members:

Please see below and attached regarding Item No. 10 on tomorrow's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,

Adam

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: George Benoit <[redacted]icloud.com>
Sent: Sunday, September 7, 2025 2:00 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: O'Connell Daniel & Jacqueline <[redacted]yahoo.com>; Hare Robert & Natalie <[redacted]bellsouth.net>; Ayer Sari <[redacted]bellsouth.net>; Lane Terri <[redacted]bellsouth.net>
Subject: Objection to Royer Variance Request

George

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Monday, September 8, 2025 2:00 PM
To: [redacted]ptd.net
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: Objection to Royer Variance Request
Attachments: 3 Pelican Ray-GEB 2.pdf

Mr. Royer,

Please see below and attached regarding your item on tomorrow's Planning and Development Board regular meeting agenda.

Best,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

FLAGLER COUNTY FLORIDA

Flagler County Board of County Commissioners

Bunnell, FL 32110

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From: Simone Kenny, AICP
Sent: Monday, September 8, 2025 1:43 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Chuck Merenda <[redacted]flaglercounty.gov>
Subject: FW: Objection to Royer Variance Request

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Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

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Bunnell, FL 32110

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From: George Benoit <[redacted]icloud.com>
Sent: Sunday, September 7, 2025 2:00 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: O'Connell Daniel & Jacqueline <[redacted]yahoo.com>; Hare Robert & Natalie <[redacted]bellsouth.net>; Ayer Sari <[redacted]bellsouth.net>; Lane Terri <[redacted]bellsouth.net>
Subject: Objection to Royer Variance Request

George

September 6, 2025

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance. I had provided the attached letter and photos for previous hearings on this matter.

Sincerely,

George E Benoit

17 Pelican Lane &
6 Driftway Terrace
Flagler Beach, FL 32136

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

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Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E. Benoit

STOP





Adam Mengel, AICP, LEED AP BD+C

From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, September 8, 2025 2:40 PM
To: Planning Dept; Simone Kenny, AICP
Subject: 3 Pelican Variance Sept hearing
Attachments: Installation Manual - BaduStream II ENG.pdf

Attached is email correspondence with Badu Customer Service Manager confirming pumps would not be impacted by 4 foot height limit on the pump house. This was submitted last month but would like it to be included again.
Please include in public record and send to the board
Thank You

Begin forwarded message:

From: Chris Calise <c.[redacted]speck-pumps.com>
Date: August 11, 2025 at 11:49:28 AM EDT
To: Dan OConnell <[redacted]yahoo.com>
Subject: RE: Test - requirements

That's correct,

Very important, the 4" check valves will need to be installed on top of the discharge side of each pump.

Chris Calise
Customer Service Manager

Speck Pumps · 8125 Bayberry Road · Jacksonville, FL 32256 · USA
Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261
E-mail: c.[redacted]speck-pumps.com | Website: www.speck-pumps.com
Download Page for Brochures & Manuals: Click Here
Download the 2025 Catalog here: English Version & Spanish Version

-----Original Message-----
From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, August 11, 2025 11:34 AM
To: Chris Calise <c.[redacted]speck-pumps.com>
Subject:

Thanks. Just to confirm the pipes coming out of the pump would be less than a total of 4 feet including pump so the height of the pump house doesn't need to be higher than 4 feet correct?

Dan

Sent from my iPhone

On Aug 11, 2025, at 11:24 AM, Chris Calise <c.[redacted]speck-pumps.com> wrote:

Hi Dan,

Brochure attached with measurements. Also attached a couple of install pictures for the (2) 21-80/33GS pumps. Any questions let us know.

Thanks
Chris Calise
Customer Service Manager
Speck Pumps • 8125 Bayberry Road • Jacksonville, FL 32256 • USA
Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261
E-mail: c.[redacted]speck-pumps.com | Website: www.speck-pumps.com
Download Page for Brochures & Manuals: Click Here Download the 2025 Catalog here: English Version & Spanish Version

-----Original Message-----
From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, August 11, 2025 11:19 AM
To: Chris Calise <c.[redacted]speck-pumps.com>

Chris to confirm the Jet Stream Package D with 3 jets and 2 pumps only requires a pad less than 4 feet and the height required is less than 3 feet

Thanks
Dan OConnell

Sent from my iPhone

_____

NOTICE OF CONFIDENTIALITY: This e-mail from Speck Pumps-Pool Products, Inc. is intended only for the use of the individual or entity to whom it is addressed and may contain confidential, copyrighted and/or legally privileged information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. It is strictly forbidden to share any part of this message with any third party, without written consent of the sender. If you received this e-mail in error please return it to the sender and destroy the original message. Thank you.

While anti-virus software is in place the recipient should be aware that this e-mail and any attachments might not be free from viruses in their various forms. Speck Pumps-Pool Products, Inc. accepts no liability for any loss or damage that may occur as a result of the transmission to the recipient.

<Cut sheet - Model 21-80 G GS.pdf>

<Check Valve Install -1.jpg>

<Check Valve Install -4.jpg>

_____

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While anti-virus software is in place the recipient should be aware that this e-mail and any attachments might not be free from viruses in their various forms. Speck Pumps-Pool Products, Inc. accepts no liability for any loss or damage that may occur as a result of the transmission to the recipient.

From: Dan OConnell
To: Planning Dept; Simone Kenny, AICP
Subject: 3 Pelican Variance Sept hearing
Date: Monday, September 8, 2025 2:42:28 PM
Attachments: Installation Manual - BaduStream II ENG.pdf

Attached is email correspondence with Badu Customer Service Manager confirming pumps would not be impacted by 4 foot height limit on the pump house. This was submitted last month but would like it to be included again.
Please include in public record and send to the board
Thank You

Begin forwarded message:

From: Chris Calise <c[redacted]speck-pumps.com>
Date: August 11, 2025 at 11:49:28 AM EDT
To: Dan OConnell <[redacted]yahoo.com>
Subject: RE: Test - requirements

That's correct,

Very important, the 4" check valves will need to be installed on top of the discharge side of each pump.

Chris Calise
Customer Service Manager

Speck Pumps · 8125 Bayberry Road · Jacksonville, FL 32256 · USA
Phone: 904-739-2626 | Toll Free: 800-BADUJET (223-8538) | Fax: 904-737-5261
E-mail: c[redacted]speck-pumps.com | Website: www.speck-pumps.com
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From: Dan OConnell <[redacted]yahoo.com>
Sent: Monday, August 11, 2025 11:34 AM
To: Chris Calise <c[redacted]speck-pumps.com>
Subject:

Thanks. Just to confirm the pipes coming out of the pump would be less than a total of 4 feet including pump so the height of the pump house doesn't need to be higher than 4 feet correct?

Dan

Sent from my iPhone

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Hi Dan,

Brochure attached with measurements. Also attached a couple of install pictures for the (2) 21-80/33GS pumps. Any questions let us know.

Thanks

Chris Calise

Customer Service Manager

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-----Original Message-----

From: Dan OConnell <[redacted]yahoo.com>

Sent: Monday, August 11, 2025 11:19 AM

To: Chris Calise <c[redacted]speck-pumps.com>

Chris to confirm the Jet Stream Package D with 3 jets and 2 pumps only

requires a pad less than 4 feet and the height required is less than 3

feet

Thanks

Dan OConnell

Sent from my iPhone

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<Cut sheet - Model 21-80 G GS.pdf>

<Check Valve Install -1.jpg>

<Check Valve Install -4.jpg>

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From:	Jan
To:	Simone Kenny, AICP; Adam Mengel, AICP, LEED AP BD+C
Subject:	Request for Fair Review Application #2025080063 of Pool House/Pump House/Shed Project
Date:	Tuesday, September 9, 2025 12:36:25 AM

Dear Simone,

I am writing this letter as the homeowner. My husband, Raymond Royer, has been submitting and presenting applications to the county since February 2025. He has attended the TRC meetings prior to each application, asked questions, and sought guidance every step of the way — and yet we are still at a dead end.

Our project includes a small pool and a pool house/pump house/shed designed to be 9'7" high. The county's suggestion that we should use a 4-foot high shed is not practical or realistic. The structure must allow someone to stand inside to properly service the pool motor and to store patio furniture and equipment during storms. Our design is professional, aesthetically matches our home, and fully complies.

Instead of focusing on the facts and zoning requirements, we have been subjected to months of irrelevant and baseless objections from a small group of neighbors, two of which do not even reside in our community full-time. These property owners have been the most vocal about our project, even though it does not directly affect their property or rights as owners. Their objections are nothing more than ridiculous guessing and misunderstandings. To suggest we "swim in the ocean," "throw patio furniture into the pool," or that the pool house could somehow become living quarters or an Airbnb has no basis in reality.

One neighbor even claimed our professional renderings are "just computer-generated pictures" instead of recognizing that they were created to county specifications. This same neighbor went so far as to take a photo of our home and use a marker tool to draw their own version of what they thought we were requesting. That type of misrepresentation is absurd and misleading.

We have always spoken with our neighbors cordially and have acted in good faith throughout this process, following every rule, request, and requirement from the county. The truth is that some neighbors are using unrelated disputes — like our private roadway disagreements — to stir up conflict and delay our project.

It is our request that the county:

1. Disregard irrelevant, speculative, and inaccurate objections that are not tied to this project or zoning requirements.
2. Recognize that our project meets county requirements and is designed responsibly.
3. Provide a fair and timely resolution so we can move forward without further hardship.

This situation has cost us significant personal time, reapplication fees, rendering design expenses, and repeated document submissions. It has also caused unnecessary stress and division in the community.

We expect and request a fair decision in this matter, and we ask that the county reciprocate the good faith we have shown throughout this process by providing a timely and reasonable resolution.

The pool house/pump house/shed dimensions are well under the county's maximum allowance of 12 feet in height, and our project fully complies with the applicable standards.

Thank you for your attention and for moving this forward based on facts and requirements, not speculation.

Sincerely,

Jan Paxson

3 Pelican Lane

Adam Mengel, AICP, LEED AP BD+C

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 9:15 AM
To: Simone Kenny, AICP; Planning Dept
Subject: Runoff 3 Pelican for Public Record and PDB
Attachments: 3 Pelican runoff after rainstorm.jpeg

This is a photo of the runoff in front of 3 Pelican taken after the rainstorm night before last (~7pm Sept 7, Sunday). The water runoff will be worse when the impervious pool deck and (possible) large pump house are built. Unless Mr. Royer intends to redirect his **existing front downspouts across his front lawn** toward Pelican**,** a **similar issue** will be created on Mockingbird when the **existing front side** downspouts are redirected to Mockingbird**.** And when Mr. Royer's **existing downspouts on back corner of his house are removed off adjacent property*** which is not owned by Mr. Royer **and redirected to Mockingbird**, it will be an **even worse issue** on Mockingbird.

When we get 12-15" rain during a hurricane followed by high tides, the neighborhood streets are going to have a real problem. This is why **we've requested the 3 Pelican variance plan address how runoff will be mitigated and/or kept on Royer property**.

* photo showing Royer backyard downspouts extending beyond his property line was previously submitted

Thank you,

Jackie O'Connell
[redacted]yahoo.com
336.512.9671 mobile



Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 9:46 AM
To: [redacted]ptd.net
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: 3 Pelican Variance Sept hearing
Attachments: Installation Manual - BaduStream II ENG.pdf

Mr. Royer,

Please see below and attached regarding your item on tomorrow's Planning and Development Board regular meeting agenda.

Best,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

FLAGLER COUNTY FLORIDA

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 9:46 AM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>
Cc: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>; Chuck Merenda <[redacted]flaglercounty.gov>
Subject: FW: 3 Pelican Variance Sept hearing

Please see below and attached regarding Item No. 10 on tomorrow's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner

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To: Planning Dept <[redacted]flaglercounty.gov>; Simone Kenny, AICP <[redacted]flaglercounty.gov>
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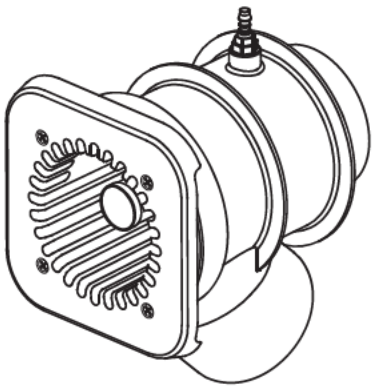
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Badu®Stream //

Counter Swimming Unit



SPECK pumps

Rev. 08/23

Technical Support:

Address: Speck Pumps
8125 Bayberry Road
Jacksonville, FL. 32256
USA

Hours: (Monday - Friday) 8:00 am to 5:00 pm EST
Toll Free: 800-223-8538
Phone: 904-739-2626
Fax: 904-737-5261

Website: usa.speck-pumps.com

Email: technical.usa@speck-pumps.com

Date of Installation:	
Installed by:	
Serial Number:	
For Service Call:	

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This document is subject to change without notice.

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Badu®Stream *II* Certifications

APSP ANSI/APSP-16

NRTL LISTED MET c US Complies with UL 1563 CSA C22.2 No. 218.1-M89 Swimming Pool Equipment Listing #E212148

UL

VGBA 2017

1 Important Safety Instructions

WARNING: *Before Installing this product, read and follow all warning notices and instructions which are included. Failure to follow safety warnings and instructions can result in severe injury, death, or property damage. Call (800) 223-8538 or visit www.usa.speck-pumps.com for additional copies of these instructions.*

Swim Jet Combination Fitting - Manufacturers Warnings

MUST BE INSTALLED by an experienced and qualified pool industry professional **ONLY.**

Attention Installer: This manual contains important information about installation, operation, and safe use of this product. This information should be given to the owner and/or operator of this equipment. Most states and local codes regulate the construction, installation and operation of pools and spas. It is important to comply with these codes, many which regulate the installation and use of this product.

1. ***DO NOT*** *locate this fitting in seating areas or on the back rests for such seating areas.*

2. *This fitting should be mounted in the vertical pool wall only per manufacturer's instructions. No modifications to the swimjet are permitted.*

3. *The anti-entrapment cover, when installed, shall not protrude more than 2 in. (51mm) from the finished surface of the pool in which the swimjet is installed.*

4. ***Service Access:*** *The use of adhesives or other attachment methods that prevent access to suction piping or swimjet components is* ***prohibited.***

5. *The anti-entrapment cover must be hand-checked for snugness to the jet housing after installation.*

6. *The anti-entrapment cover and fasteners shall be examined for damage or tampering each operational day.*

7. *Any missing, broken, or cracked fittings must be replaced before using this product. Only genuine Speck replacement parts may be used.*

8. *Acceptable fittings/pipe sizes are listed on page 8 of this manual. No other sizes are permitted.*

9. *Never exceed the maximum flow rate stated on this product.*

10. *The anti-entrapment cover must be in place when using this product.* ***DO NOT*** *use this product if the cover is missing, broken, or loose, and it shall be replaced before bathers are allowed to use the pool.*

11. *The anti-entrapment cover (part# 8) should be replaced within 10 years from installation date.*

12. *Installation requires a Phillips screw driver. Hand tighten only.* ***DO NOT*** *use electrical or air drills.*

13. *Consult your physician before exercising with the Badu®Stream II or using the massage hose.*

14. ***DO NOT*** *permit children to use this product unless they are closely supervised at all times.*

15. ***DO NOT*** *remove any safety alert labels such as* ***DANGER, WARNING,*** *or* ***CAUTION****. Keep safety alert labels in good condition and replace missing or damaged labels.*

Swim Jet Combination Fitting - Manufacturers Warnings - continued

16. *Stay alert, watch what you are doing and use common sense.* ***DO NOT*** *use unit if you are tired and/or exhausted.* ***DO NOT*** *use unit while under the influence of drugs, alcohol, or any medications.*

CAUTION: ***DO NOT*** *increase pump size; this will increase the flow rate through the system and exceed the maximum flow rate stated on this product.*

IMPROPER INSTALLATION OR USE OF THIS PRODUCT MAY PRESENT A RISK OF HAIR OR BODY ENTRAPMENT AND DROWNING. *Install this equipment in accordance with the instructions provided.*

As the manufacturer, Speck Pumps-Pool Products, Inc., hereby certifies that their Swim Jet Combination Fitting meets or exceeds the requirements of the Virginia Graeme Baker Pool & Spa Safety Act, VGBA 2017 and ANSI/APSP 16 standards and safety regulations as set forth by the Consumer Products Safety Commission.

"Read, and then keep these instructions for future reference"

General Safety Instructions

The following guidelines provide information to minimize the risk of injury to users of pools, spas, and hot tubs.

WARNING: TO REDUCE THE RISK OF ENTRAPMENT HAZARD



Pool and spa pumps produce high levels of suction, which can pose extreme danger if a person comes in close proximity to an open pool or spa drain or if a drain cover is loose, cracked, broken or missing. Pool and spa pumps move large volumes of water, which can pose extreme danger if a person's hair comes in close proximity to a drain that is not the proper size for the pump or pumps.

If not an approved single, unblockable outlet, a minimum of two functioning suction outlets per pump must be installed. Suction outlets in the same plane (i.e. floor or wall) must be installed a minimum of three (3) feet (1 meter) apart, as measured from center point to center point. Dual suction fittings shall not be located on seating areas or on the backrest for such seating areas. If any suction outlets are located closer they shall be located on two different planes (i.e. one on the bottom and one on the vertical wall, or one each on two separate vertical walls).

WARNING: *Failure to keep suction outlet components clear of debris, such as leaves, dirt, hair, paper and other material can result in an increased potential for suction entrapment.*

If not a single, unblockable outlet, in the event of one suction outlet being completely blocked, the remaining suction outlets serving the system shall have a flow rating capable of the full flow of the pump(s) or the specific suction system. If in doubt about the rating and/or head loss curve of your system, consult a qualified pool or spa professional and/or your respective equipment manufacturer(s). Also, double check with your local building/health authorities regarding single vs. multiple drain installations, etc.

Regularly inspect all drain covers for cracks, damage and advanced weathering. If a drain cover becomes loose, cracked, damaged, broken or is missing, close the pool or spa immediately, post a notice and keep the pool or spa closed until an appropriate VGBA 2017 certified drain cover is properly installed.

WATER VELOCITY AND FLOW RATES

The maximum water velocity through drain covers is limited by some local regulations, for example some state health departments limit the velocity through public pool drain covers to 1.5 feet per second. This velocity limit is lower than the flow rating provided by the ANSI/APSP 16 certification; therefore local limit applies and must be followed. Never exceed the flow rating listed on the cover even if local code does not provide a velocity limit.

For additional information on proper installation refer to The Association of Pool & Spa Professionals ANSI/APSP-7 Standard and the US Consumer Product Safety Commission Guidelines for Entrapment Hazard.

VGB Compliance - VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT

The Virginia Graeme Baker Pool and Spa Safety Act raises certain new requirements on owners and operators of swimming pools and spas.

Pools or spas constructed on or after December 19, 2008, shall utilize:

(A) No submerged suction outlets, a gravity drainage system with ANSI/APSP compliant cover(s), one or more unblockable outlets; or
(B) A multiple main drain system without isolation capability with suction outlet covers that meet ANSI/APSP 16 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs and either:
    (i) A safety vacuum release system (SVRS) meeting ASME/ANSI A112.19.17 Manufactured Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub, and Wading Pool Suction Systems and/or ASTM F2387 Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) for Swimming Pools, Spas and Hot Tubs or
    (ii) A properly designed and tested suction-limiting vent system or
    (iii) An automatic pump shut-off system.

Pools and spas constructed prior to December 19, 2008, with a single submerged suction outlet shall use a suction outlet cover that meets ANSI/APSP 16 and either:

(A) A multiple main drain system without isolation capability, or a single (VGBA 2017 compliant) unblockable suction outlet, or
(B) A safety vacuum release system (SVRS) meeting ASME/ANSI A112.19.17 and/or ASTM F2387, or
(C) A properly designed and tested suction-limiting vent system, or
(D) An automatic pump shut-off system, or
(E) Disabled submerged outlets, or
(F) Suction outlets shall be reconfigured into return inlets.

For more information about the Virginia Graeme Baker Pool and Spa Safety Act, contact the Consumer Product Safety Commission at (301) 504-7908 or visit www.cpsc.gov.

WARNING: *Risk of Electrical Shock or Electrocution*



Pool pump must be installed by a licensed or certified electrician or a qualified pool serviceman in accordance with the National Electrical Code and all applicable local codes and ordinances. Improper installation will create an electric hazard which could result in death or serious injury to pool users, installers, or others due to electrical shock, and may also cause damage to property.

Always disconnect power to the pool pump at the circuit breaker before servicing the pump. *Failure to do so could result in death or serious injury to serviceman, pool users, or others due to electric shock.*

2 General Description

General Description

The BaduStream *II* SwimJet Systems from Speck Pumps are designed to be installed during the construction of your pool to create a water treadmill for anyone wanting a therapeutic and effective exercise.

The BaduStream *II* can be installed in any type of pool, large or small, from gunite to vinyl liner. It has no protruding parts ensuring pool user's safety, is very compact and installs at minimal cost. The self-contained, flush-mounted unit is a jet-propulsion system that pumps water into the pool creating a current in excess of 5,700 gallons per minute from a single recessed jet housing. Topping off the experience is the pulsating massage hose which can be attached to the jet nozzles for easy and convenient massage treatments for joints and muscles. *(NOTE: The massage hose is sold separately.)*

3 Installation Information

Planning

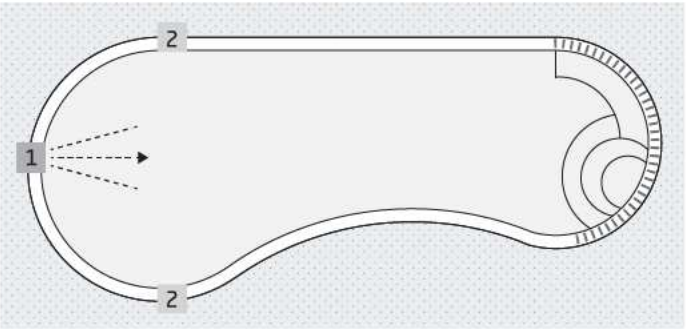
The BaduStream II is normally incorporated into the original pool design. However, it can be added to any pool at a later date. The BaduStream II has no protruding parts, ensuring the pool user's safety. It is very compact and installs at minimal cost. The system can be installed in any size pool.

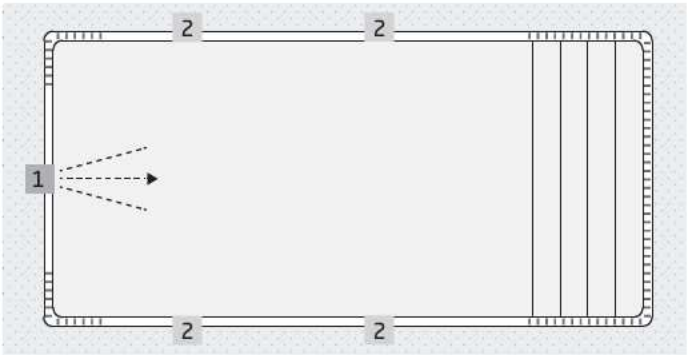
We suggest a minimum pool size of 8 ft wide x 15 ft long x 3 ft deep to work effectively. Most prefer 16 ft. in length or longer. The extra length allows enough length for a swimmer to comfortably drift back and swim up stream.

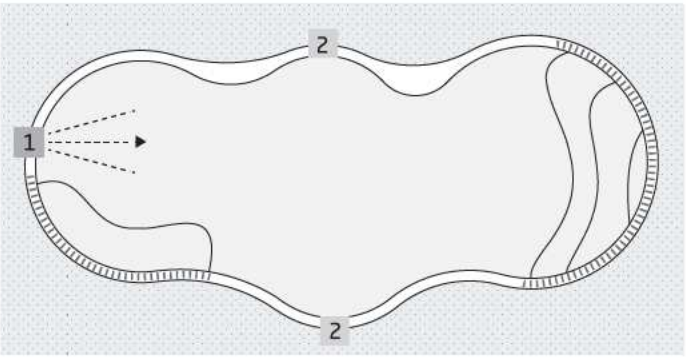
To ensure that there is a clear unobstructed swim lane, it is key to position the swimjets away from surroundings walls, benches, stairs, etc. Obstructions near the swimjets can disrupt the current.

1 Ideal Locations*
2 Alternative Locations*
❚❚ Unfavorable Locations

Here are a few examples:







Reminder: BADU SwimJet Systems require a clear **unobstructed area within the swimming pool that is 8 feet wide x 15 feet long x 3 feet deep to work effectively. This "swimming envelope" allows enough length for a swimmer to comfortably drift back and swim up stream.*

Receiving Information

1. Upon receipt of the swimjet system, check the cartons for damage. Open each carton and check the pump(s), jet housing(s), and control box for concealed damage, such as cracks, dents, or a bent base. If damage is found, contact the shipper or distributor where the swimjet was purchased.

2. Inspect the contents of each carton and verify that all parts are included. *(See Image 1)*

A. Flush-mount jet housing

B. Square, anti-entrapment cover (8¼" x 8¼") undetectable pump suction. *(Optional Round Cover available)*

C. Adjustable water flow jet nozzle

D. Air regulator adjusts amount of air bubbles in water flow.

E. Control box complete with GFCI and WiFi control module.

F. SPECK Model 21-80/33GS 4.0 HP (or a SPECK Model 72-VI 3.5 HP) self-priming, single phase plastic pump with built-in thermal overload *(no motor starter required)*. Optional three phase pump and control box available. (*NOTE: Flooded suction pump available for installation below water level.)*



Image 1
BaduStream II System (1 jet & 4 HP pump)

G. System (ON/OFF) LED Push Button - Complete with 1.5" threaded housing fits into any 1.5" return fitting. The push button turns the swimjet system ON/OFF. Waterproof button may be installed below water level.

Plumbing Installation

CAUTION: *The discharge connection is at the center of the back of the jet housing. The suction connection is at the bottom of the jet housing.*

CAUTION: *The suction line should remain below water level from the suction connection at the jet housing to a point directly beneath the pump.*

CAUTION: *The center of the BaduStream jet nozzle(s) must be located 12" **BELOW** the water line for maximum performance and efficiency. The air regulator(s) should be located 3-4" **ABOVE** the water line.*

CAUTION: *In areas with soft soil conditions or with frequent earth movement, a flexible section of 4" hose should be installed at the back of the jet housing to prevent plumbing or jet housing damage.*

CAUTION: *For trouble-free pump priming (up to 4 feet above the water line), first install a 6" long riser in the discharge connection on top of the pump(s). Then install an elbow and lead the discharge line(s) downward to the discharge connection(s) at the BaduStream jet housing(s) (Not required with 3.5 HP pump Model 72). On systems with 3 jet housings and 2 pumps, check valves **MUST** be installed at the discharge connections at each pump.*

CAUTION: *Allow at least 12 hours curing and bonding time. Insufficient curing and bonding times can result in leaks and flooding.*

CAUTION: *Throughout the entire installation, make sure the plumbing connected to the BaduStream jet housing is well supported. Unsupported plumbing **WILL** crack the jet housing.*

CAUTION: ***DO NOT*** *use the pump as a fixed point (support) for the plumbing.*

Plumbing Installation

CAUTION: *When using 6" pipe, install 6" x 4" reducer bushings as close to the jet housing(s) as possible. For systems with 2 or 3 jet housings, install the 6" x 4" reducer bushings as close to the 4" manifold tees as possible. The 6" suction and discharge lines should be run from the jet housing(s) and remain under the water line to a point directly beneath the pump(s). Install 6" elbows at that point. Then run 4" pipe vertically up to the suction and discharge connections of the pump and finish with a 4" elbow.*

- For optimal performance, use 4" plumbing when the total distance between the pump and jet housing is 30 ft or less. The plumbing should be as direct and free from turns or bends as possible because **elbows and other fittings can create large friction losses and reduce the performance of the system. The shortest length of pipe with the minimum number of fittings possible should be used to avoid any significant friction loss due to the pipe and fittings.** *NOTE: Refer to Figure 2 for the BaduStream head loss curve.*

- A maximum of seven (7) 90° elbows may be used with 30 ft of horizontal 4" pipe for the suction line and 30 ft of horizontal pipe for the discharge line without negatively affecting the performance of the system.
  NOTE: This applies to each individual pump used on the system. Refer to Figure 4 for the maximum TDH allowed to achieve recommended flow rates.

- If more elbows are required for the installation, 4" sweeps must be used in place of the elbows. When using sweeps instead of elbows, a maximum of nine (9) 4" sweeps may be used with 30 ft of horizontal 4" pipe for the suction line and 30 ft of horizontal 4" pipe for the discharge line without negatively affecting the performance of the system. *NOTE: This applies to each individual pump used on the system. Refer to Figure 4 for the maximum TDH allowed to achieve recommended flow rates.*

- If the pump(s) cannot be located within 30 ft of the jet housing(s) using the maximum number of 4" elbows or sweeps stated above, then 6" plumbing must be used. For the suction and discharge lines, use 6" plumbing and fittings from the connection at the jet housing (or at the manifolds for two and three jet systems) to a point directly beneath the pump. From that point, install a 6" elbow. Then run 4" pipe vertically up to the suction and discharge connection of the pump and finish with a 4" elbow.

- For two and three jet systems, the jet housings **must be installed as close to 10" center to center as possible for maximum performance. DO NOT install the jet housing more than 12" apart on center.** *(See Figure 1 & 1A)*

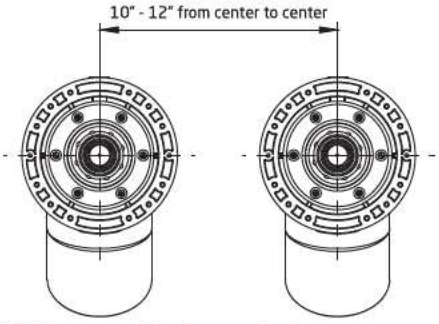


Figure 1
Two Jet (10" - 12" from center to center)

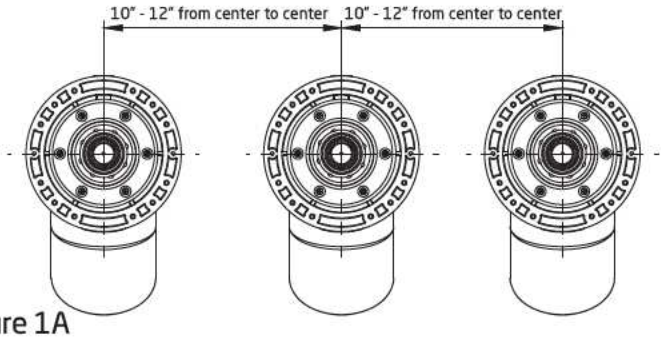


Figure 1A
Three Jet (10" - 12" from center to center)





Plumbing Installation - continued

NOTE: Suction lines which are too long have significant disadvantages:

- Higher resistance which results in less efficient priming and a higher risk of cavitation.
- Longer priming time (up to 12 min).
- Keep the suction and pressure lines as short and straight as possible.
- If the pump is positioned further away, then the pipe dimensioning has to be adapted so that almost loss-free flowing is ensured.

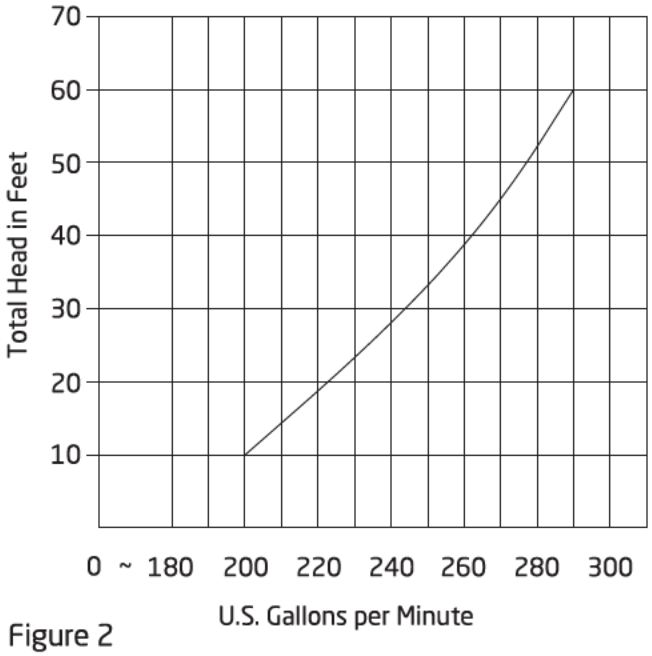


Figure 2
BaduStream II Head Loss Curve *(Single Jet Housing)*

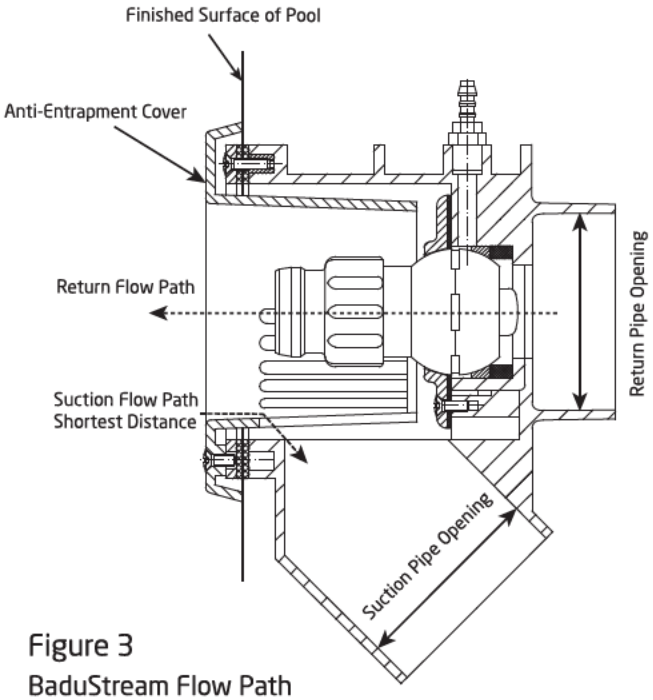


Figure 3
BaduStream Flow Path

NOTE: The BaduStream assembly package contains all necessary parts for the installation of the unit into concrete, gunite, liner or fiberglass pools.

***CAUTION:** All necessary screws and bolts included with the BaduStream are stainless steel. ALL screw threads and threaded inserts are METRIC! ONLY METRIC bolts and nuts may be used! The two exceptions are the suction and discharge connections on the BaduStream and pump housing (4" slip connections) and the mounting hardware for the air regulator assembly (1/4 -20 threads). All screws should be HAND TIGHT. **DO NOT** use drills or pneumatic tools. **DO NOT** over tighten!*

Plumbing Requirements

BaduStream *II*	Pump	Distance	Pipe Size	Approx. Flow	TDH
Three Jets	(2) 4 HP	10 to 30 ft. up to 50 ft.*	4" 6"	651 GPM 651 GPM	42 ft 42 ft
Two Jets	4 HP	10 to 30 ft. up to 50 ft.*	4" 6"	380 GPM 400 GPM	34 ft 32 ft
One Jet	4 HP	10 to 30 ft. up to 50 ft.*	4" 6"	217 GPM 217 GPM	53 ft 53 ft
One Jet	3 HP	10 to 30 ft. up to 50 ft.*	4" 6"	200 GPM 200 GPM	12 ft 12 ft

** 6" pipe will allow distances of well over 50 ft. There is 50ft of cable included with the push button. If a longer distance to the control box is required, a junction box can be installed above the water line to splice additional cable as required or you may purchase a 100 ft. button (part# 2336002800B).*

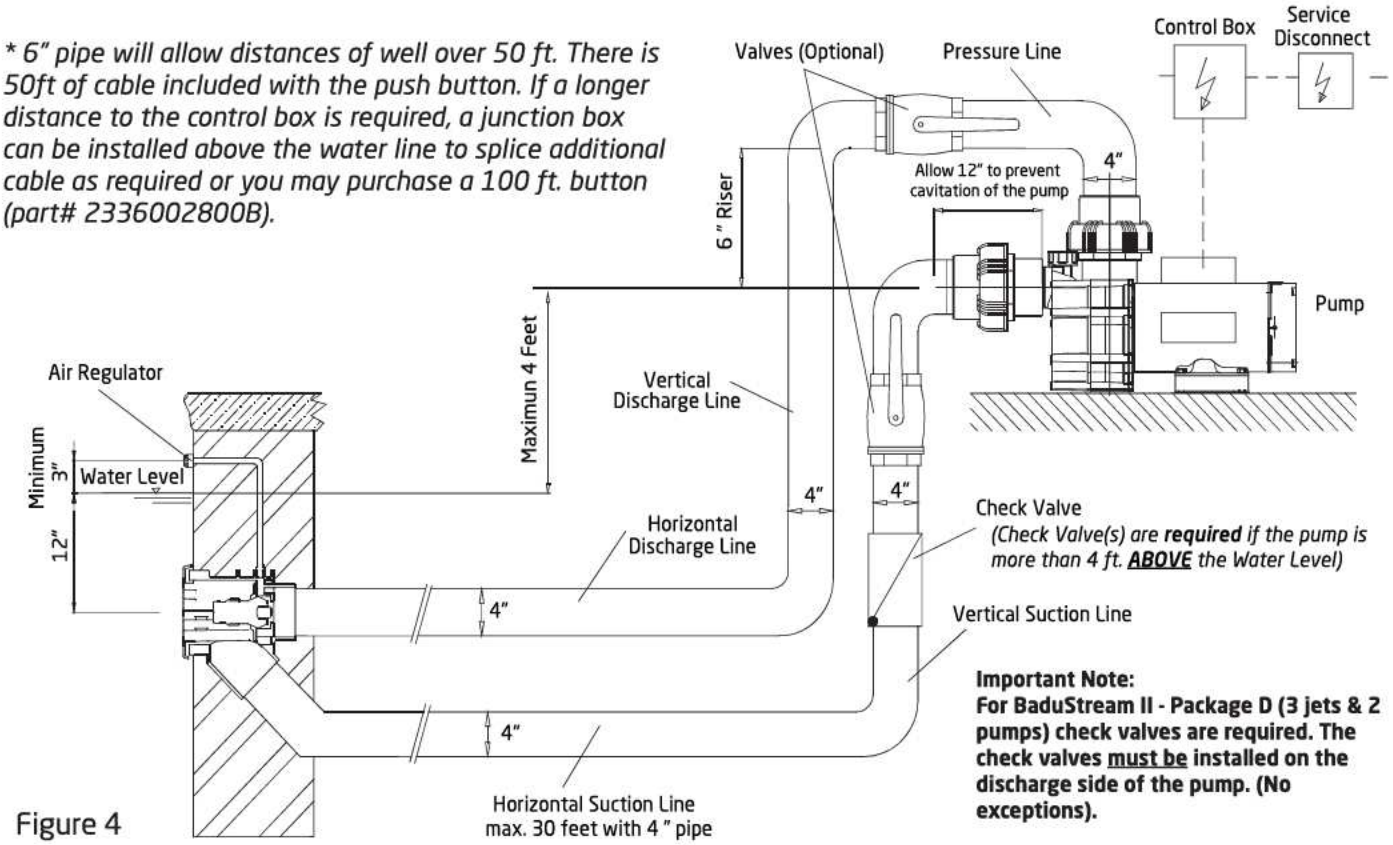


Figure 4

NOTE: Valves are recommended when pump is installed below water level (flooded suction applications).

NOTE: To avoid stress on the jet housing, the jet housing and 2 to 3 inches of plumbing stub out may be encased in gunite or concrete.

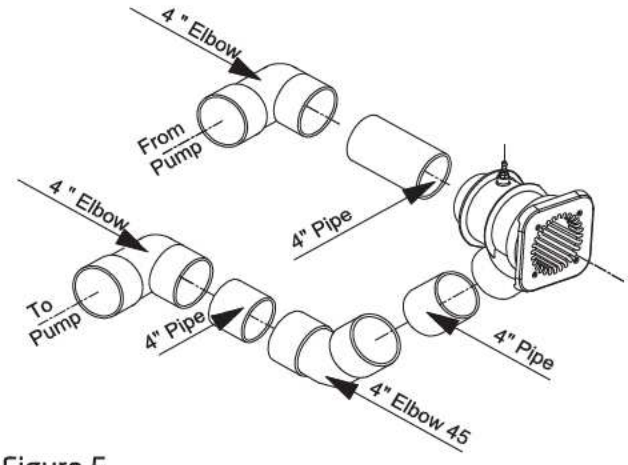


Figure 5
BaduStream ***Single*** Housing Installation



Plumbing Installation - continued

*NOTE: (For **Dual** Jet Installation) Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

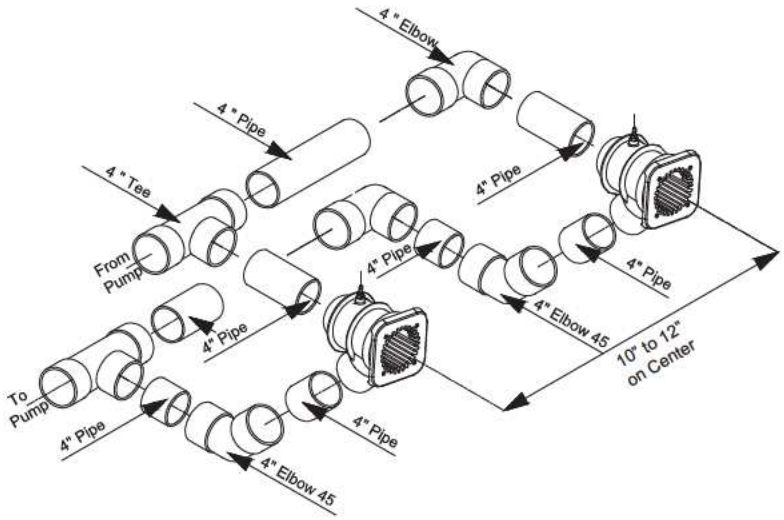




Figure 6
BaduStream ***Dual*** Housing Installation

Plumbing installation for the BaduStream ***Package D (system include three jet housings & two pumps)***

*NOTE: **(Three Jet Installation)** Increase the pipe size to 6" when jets are more than 30 ft. from the pump. Use 6" x 4" bushings after 4" manifold tees.*

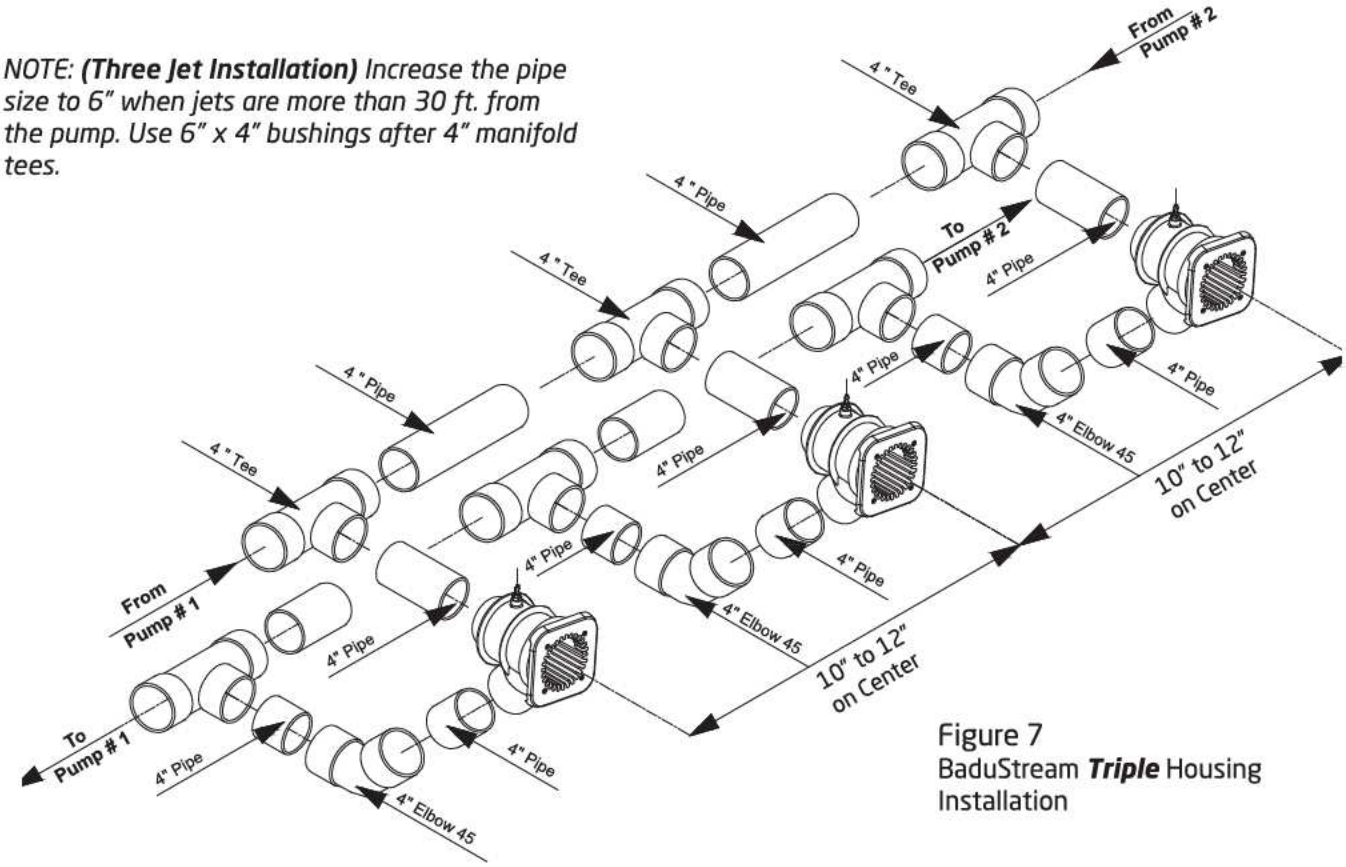


Figure 7
BaduStream ***Triple*** Housing Installation

*IMPORTANT NOTE: **CHECK VALVES <u>MUST BE</u>** used on the discharge side of each pump. Minimum 4" pipe between pump and BaduStream plumbing manifold.*

Plumbing Installation - continued





Figure 8
Check Valves Installed for a Package D (three jet & 2 pump system)

Concrete or Gunite Installation

*NOTE: The following parts **ARE NOT USED IN A GUNITE or CONCRETE INSTALLATION**:*

- Clamping Ring Gasket (*Part #12)*
- 1/4-20 x 1-1/2" Bolt (*Part #18)*
- 1/4-20 Nut (*Part # 19)*
- 1/4" Washer (*Part #20)*
- Air Regulator Gasket 60 x 11 x 2 mm (*Part #21)*
- #14 x 1" Screw (*Part #27)*

1. Pre-plumb BaduStream jet housing(s):

   A. Install plumbing manifold (for two and three jet systems) or approximately 12" of 4" SCH 40 pipe (for single jet systems) to both suction and discharge fittings on the jet housing(s). *See Figure 9*

   B. Thread one (1) air regulator hose nipple into the top of each jet housing. Secure plastic air regulator hose *(part #15)* to the air regulator hose nipple(s) *(part #14)* using the hose clamp(s) *(part #16).*

2. Tape the jet housing(s) to keep concrete out of threaded inserts and out of the inside of the housing(s). *See Figure 10.*

3. Place the jet housing(s) between the steel rebar. ***Note: The jet housing location is very important.***

   A. Make sure that the air regulator hose nipple *(part #14)* is at the top and center of each jet housing. ***Failure to do so will result in the square cover (part #8) appearing uneven.***



Figure 9
Pre-Plumbed Jet Housings

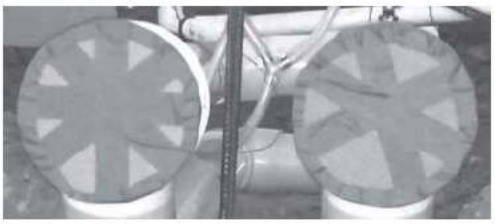


Figure 10
Taped Jet Housings

Concrete or Gunite Installation

B. The center of each jet housing *(the nozzle)* must be located **12" BELOW** the water line for maximum performance and efficiency.

C. Recheck the location of the jet housing while applying gunite or pouring concrete. Make sure the jet housing remains properly aligned and level.

D. Front edge of each jet housing should finish even with inside finished pool wall. Scrape out a V-shaped groove around the jet housing, approximately 1.5" deep to allow marcite to seal against the jet housing. *See Figure 11.*

E. To avoid stress on the housing, the jet housing and 2 to 3 inches of plumbing stub out may be encased in gunite or concrete. ***Caution:*** *Too much stress on the plumbing may crack the BaduStream II housing.*

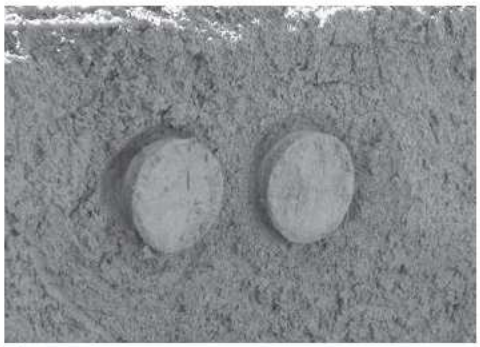


Figure 11
V-Shaped Groove in Gunite

4. Install the air regulator. *NOTE: Air regulator location should be 3"- 4"* ***ABOVE*** *the water level.*

A. Thread one (1) air regulator hose nipple *(part #14)* into the back of the air regulator holder *(part #17).* Connect the free end of the plastic air regulator hose to the nipple on the back of the air regulator holder. Secure with a hose clamp *(part #16).*

B. The air regulator can be located in the tile above the water level or in the deck. When tiling the pool, adjust the air regulator location so it is 3"-4" **ABOVE** the water level. Place and set with hydraulic cement. The air regulator holder *(part #17)* should finish flush with the inner pool wall. Drill a 1/2" hole in the tile line even with the center hole of the air regulator holder. Tile over the air regulator holder. ***CAUTION:*** ***DO NOT*** *plug the center hole of the air regulator holder.*

C. Insert the M10 x 80 mm brass screw *(part #24)* through the bottom part of the air regulator *(part #23),* the 42 x 11 x 2 mm and the air regulator gasket *(part #26).* Thread the M10 x 80 mm brass screw into the center of the air regulator holder *(part #17).* Tighten with a flat head screw driver.

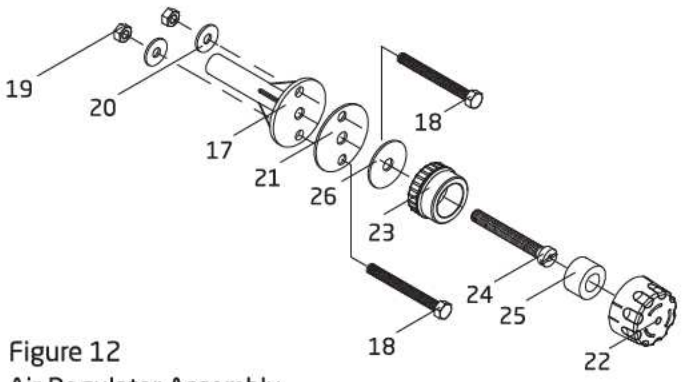


Figure 12
Air Regulator Assembly

D. Install the hose ring *(part #25)* and snap the top part of the air regulator *(part #22)* into place. *See Figure 12 for air regulator assembly.*

5. Keep all parts not being used now in original box. Store in a safe place until needed.

NOTE: An extension ring and longer square cover screws (part #9/5) are available (upon request) for applications where the housing is recessed into the pool wall.

6. Once the concrete or gunite is fully cured and pool wall is completed, install the square cover *(part #8)* using the four (4) M6 x 25mm square cover screws *(part #9/1).*

NOTE: In tile installations, the tile thickness can be compensated for by first installing the clamping ring gasket (part #12) and clamping ring (part #3) before installing the square cover. The clamping ring and clamping ring gasket are installed using the eight (8) clamping ring screws (part #9/2, 9/3, or 9/4).

Concrete or Gunite Installation - continued

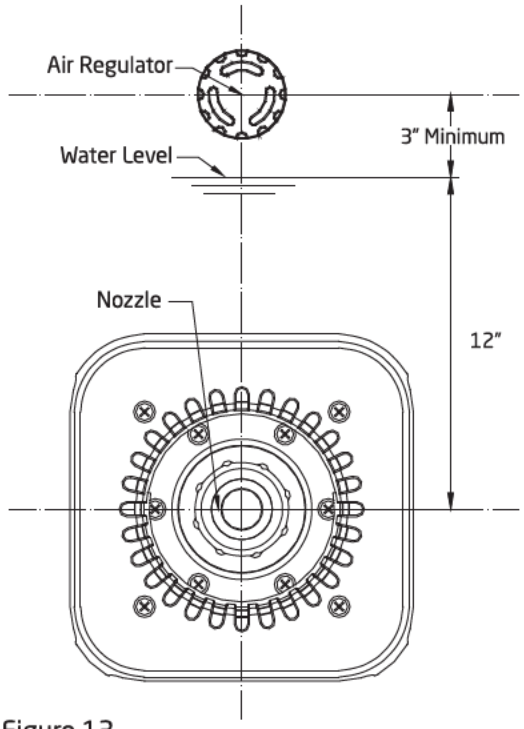


Figure 13
Installation in Concrete or Gunite Pools

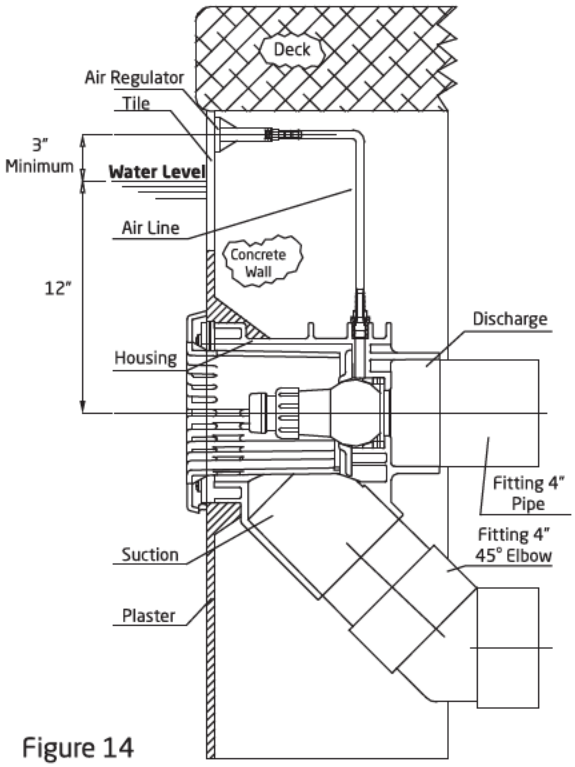


Figure 14
BaduStream in Concrete or Gunite Pool.

Liner and/or Fiberglass Pool Installation

1. Using the clamping ring *(part #3)* as a template, drill holes in the pool wall for installation. The center line of the clamping ring should be 12" **BELOW** the water level *(See Figures 15 & 16).* Two additional holes will need to be drilled at the 3 and 9 o'clock positions for installation of the jet housing *(part #7).* The four brass inserts in the clamping ring should be at the 2, 4, 8 and 10 o'clock positions *(See Figure 15).*

2. Mount the housing *(part #7)* and one clamping ring gasket *(part #12)* on **BEHIND** the pool wall using two (2) #14 x 1" counter sunk screws *(part #27).* Install the screws from the inside of the pool wall through the holes drilled at 3 and 9 o'clock positions. *(See Figure 15)*

3. Install the clamping ring *(part #3)* and a second clamping ring gasket *(part #12)* in **FRONT** of the pool wall using eight (8) M6 screws *(part # 9/2, 9/3, or 9/4).* Screw lengths vary depending on the installation. *NOTE: A good RTV silicone may be used with the gasket when mounting the jet housing, but in most cases is not necessary. Installer should decided whether or not the silicone is necessary.*

NOTE: When installed properly, the center of the housing (part #7) will be 12" **BELOW** the surface of the water and the air regulator hose nipple *(part #14)* will be at the top center of the jet housing.

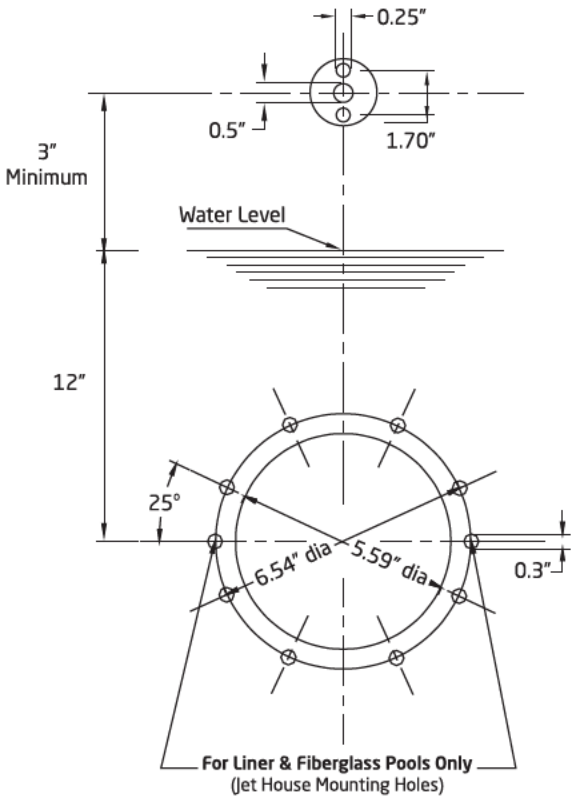


Figure 15
Cutout Pool Wall for BaduStream housing.

Liner and/or Fiberglass Pool Installation - continued

CAUTION: When installing the BaduStream Cover (part #8). Use a Phillips head screw driver and tighten to 1.5 Nm or hand tight. **DO NOT** use electrical or air drills. *(NOTE: The square cover, part #8, will have an uneven appearance if the housing is not installed properly.)*

4. For the air regulator assembly, one 1/2" hole must be provided, preferably along the vertical axis, approximately 3-4" **ABOVE** the water line. *(See Figures 15 & 16).* Using the 60 x 11 x 2mm air regulator gasket *(part #21)*, mark and drill two 1/4" mounting holes *(See Figure 15).* Use the two (2) 1/4 - 20 air holder screws *(part #18)* and two 1/4-20 air holder nuts *(part #19)* to mount the air regulator holder.

NOTE: Part #18 & Part #21 go in FRONT of the pool wall; Part #19 & Part #17 go BEHIND the pool wall.

5. Keep all parts not being used now in original box. Store in a safe place until needed.

6. Once the pool is complete, install the square cover *(part #8)* using the four (4) square cover screws *(part #9/1).*

For Liner Pools Only: Install the jet housing and air regulator prior to installation or replacement of the pool liner.

For Steel Walled Pools: An optional butterfly gasket *(part #12.1)* maybe purchased to replace the two (2)clamping ring gaskets *(part #12)*. Increase the jet housing hole in Figure 15 from 5.59" to 5.75" for installation.

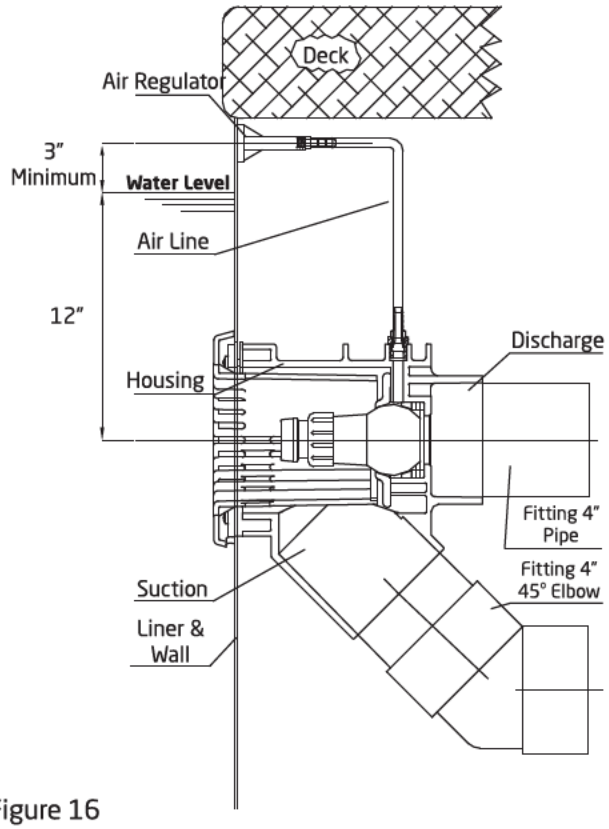


Figure 16
BaduStream in Liner or Fiberglass Pool.

Removal of Liner

When replacing liner or removing liner for repairs; remove the four (4) screws *(part #9/1)* which hold the square cover *(part #8)* to the jet housing. Remove all screws *(part #9/2, 9/3 & 9/4)* except the top two, which hold the clamping ring *(part #3)* and gasket *(part #12)* to the jet housing. Back out the two remaining screws approximately halfway and check for any movement of the jet housing from the wall. *(NOTE: If the two counter sunk screws (part #27) which hold the jet housing to the wall were installed, the jet housing should not move, and the two remaining screws can be removed.)* Remove one of the remaining two screws and slide the clamping ring *(part #3)* to the side. Replace all the screws before removing the last screw. Remove or replace the liner. Reverse the process to install liner.

NOTE: When replacing the clamping ring and screws: locate screw heads under liner, make a small cut on the liner at the screw heads and push the liner over the screw head.

Electrical - SPECK Controller Installation

WARNING: *The wiring of the pool motor and control box should be done by a licensed electrician in accordance with all local, state, and federal codes. Be certain that the motor frame and control box are properly grounded. Motor name plate lists voltage, phase, amp draw, and other information as well as wiring connection instructions.*

This section concerns the electric motor and control box for BaduStream II swimjet system.

CAUTION: *Before installing the Speck Pump, read the entire pump owner's manual found in the pump box.*

Consult local codes for minimum distance between pump and pool. Locate pump as close to the pool as practical.

CAUTION: *There is 50ft of cable included with the push button. If a longer distance to the control box is required, a junction box can be installed above the water line to splice additional cable as required or you may purchase a 100 ft. button (part# 2336002800B).*

NOTE: The System ON/OFF LED push button is installed in a 1-1/2" threaded housing. This housing may be installed in any 1-1/2" return fitting, either below the water line or above the water.

BONDING: As required by National Electrical Code, the pump motor must be electrically bonded to the pool structure (reinforced bars, etc.) by a solid copper conductor not smaller than No. 8 AWG via the external copper bonding lug on the pump motor.

GROUNDING: Permanently ground the pump motor and control box using a conductor of appropriate size.

- **Pump Motor:** Connect to the #10 green headed ground screw provided inside the motor terminal box.
- **Control Box:** Connect to the aluminum grounding terminal strip on the inside of the control box enclosure.

CAUTION: ***DO NOT*** *connect to electric power supply until the unit is permanently grounded.*

NOTE: Single phase control boxes equipped with GFCI are shown on pages 17-18. Other options are available. Please contact the factory (800) 223-8538 for assistance.

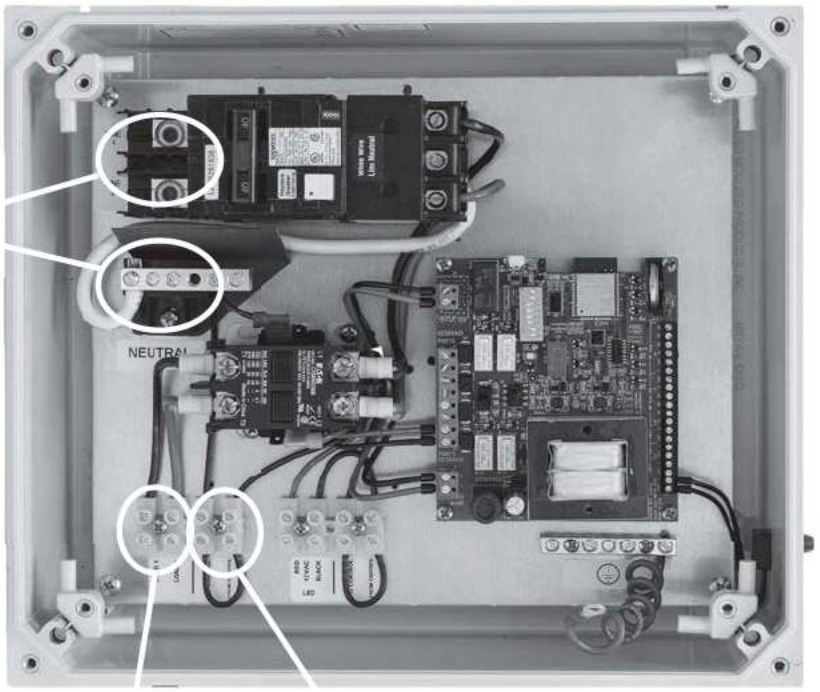
Connecting the SPECK controller to a WiFi network for the FIRST TIME:

1. Before connecting the SPECK controller to the WiFi network, stand where the SPECK equipment is located and with your mobile device in-hand assure that the signal strength to the WiFi network is good to excellent *(weak signals will cause problems).*

2. Make sure the power to the SPECK Device is turned ON. There is a green indicator on the controller board to indicate power. A small "o" will be flashing on the LED display.

3. Give the homeowner the BADU*Connect* app manual and allow them to finish the App setup. *For more information, Call (800) 223-8538 or visit www.baduconnect.com for additional copies of the BADUConnect App instructions.*

Figure 17
Control Box Wiring



Contact MFG for wiring instructions.

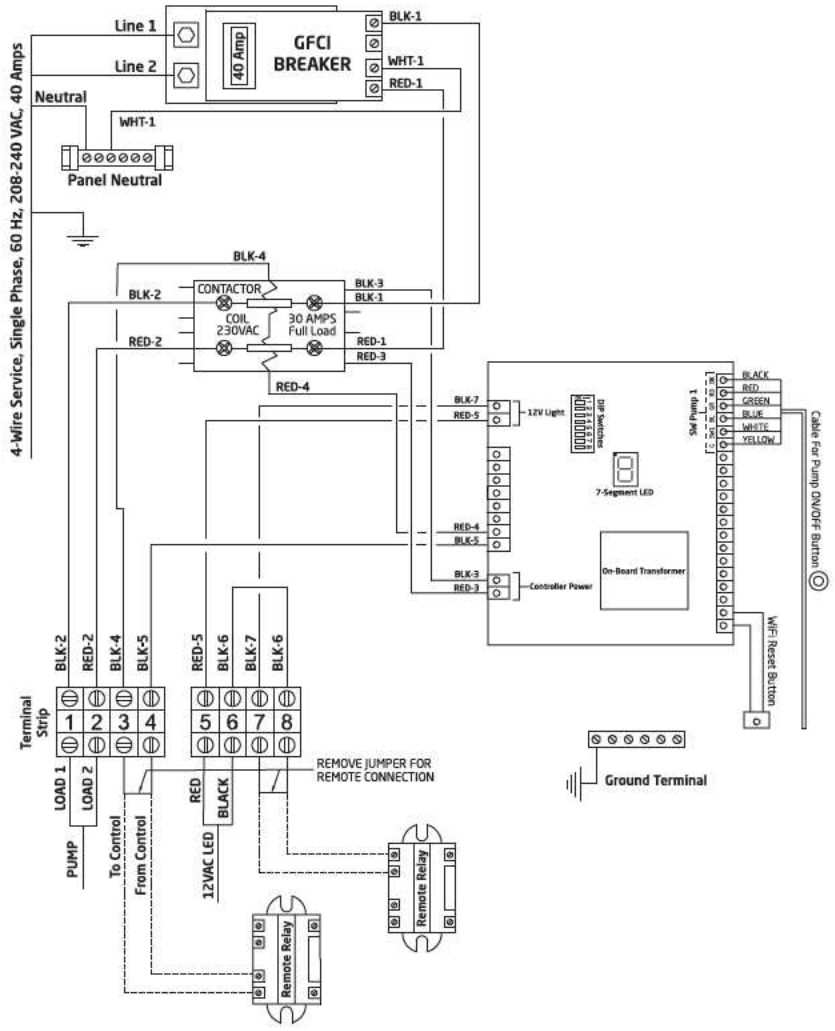
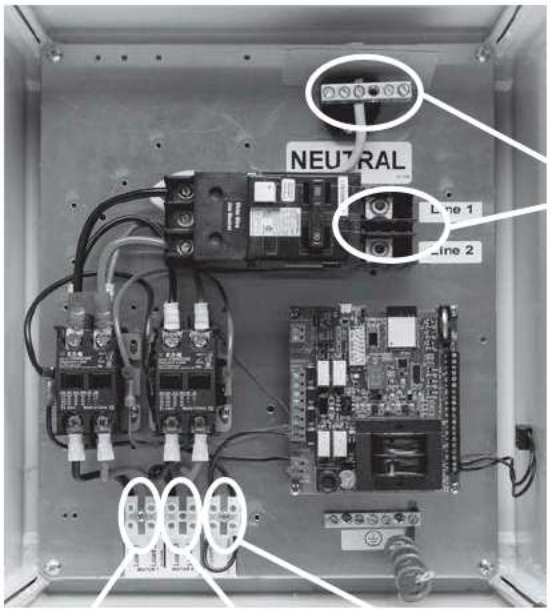


Figure 17A
Control Box Wiring



Power from main panel (230 VAC):
Neutral, Line 1, Line 2

Power to pump motor 1
(230 VAC): Load 1, Load 2

Power to pump motor 2
(230 VAC): Load 3, Load 4

Connection to remote relay
(120 VAC)
Contact MFG for wiring instructions.

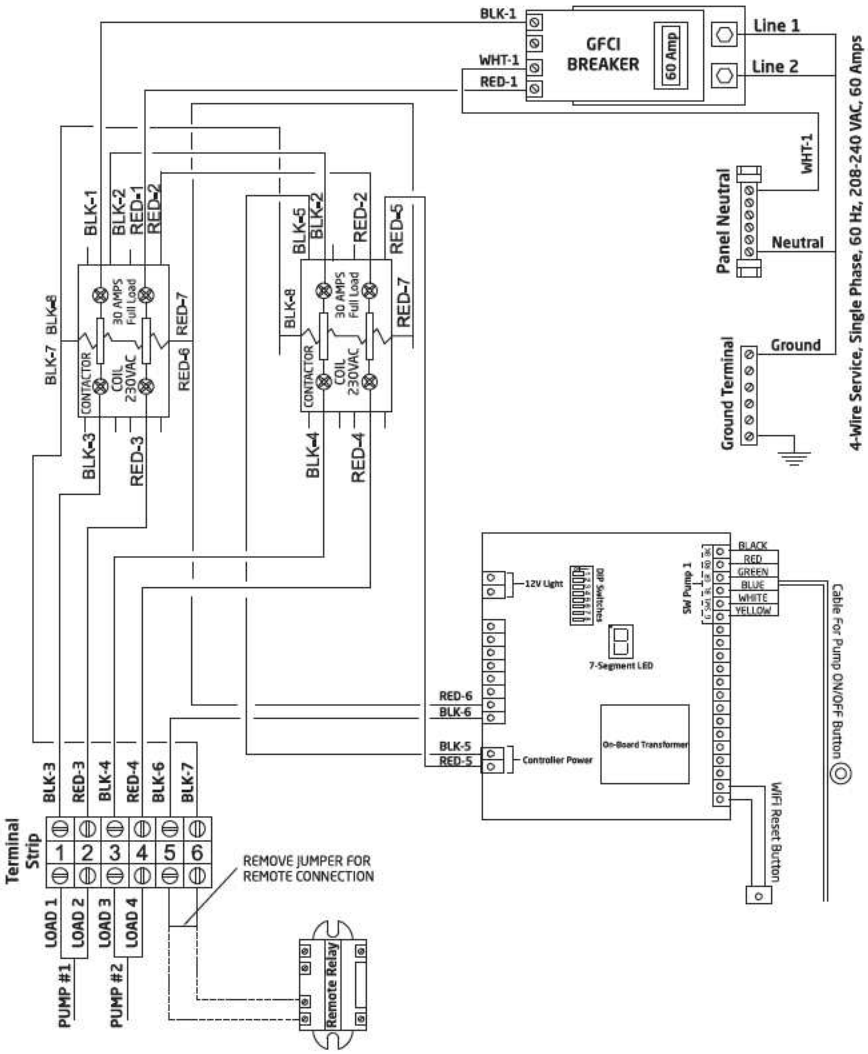


Table 1
LED Push Button Color Codes

COLOR	MEANING
Solid BLUE	SwimJet System is OFF
Flashing GREEN every 1 second	SwimJet System is ON with 2 hour timer
Flashing GREEN every 1/2 second	This is a 2 minute warning on the 2 hour timer. Once the 2 minutes have passed the swimjet system will automatically turn OFF.

Table 2
LED Codes & Meanings

PATTERN ON LED DISPLAY	CONDITION
Flashing Dash (-) with an interval of ~200ms	Ideal with no Relay/Pump on
Flashing 'P' with the interval of ~200ms	No WiFi connection, Wrong Wifi Password
Flashing 'O' (Capital O) with an interval of ~200ms	No cloud connection due to server down or no internet
Flashing 'o' (Small o) with an interval of 200ms	Device has not been set up to connect to WiFi
Flashing '≡' (triple bars) with an interval of 200ms	The device is doing OTA Firmware update
Flashing 'E' with an interval of ~200ms	Hardware error
Flashing 'L' with an interval of ~200ms	Pool light error
Steady 2	Port 2 is on manually (No Timer/Schedule)
Steady 3	Port 3 is on manually (No Timer/Schedule)
Steady 4	Port 4 is on manually (No Timer/Schedule)
Steady 5	Port 5 is on manually (No Timer/Schedule)
Steady 1 with flashing dot. The dot will flash with an interval of ~100ms	Port 1 is on a schedule based on Time of Day.
Steady 2 with flashing dot. The dot will flash with an interval of ~100ms	Port 2 is on a schedule based on Time of Day.
Steady 3 with flashing dot. The dot will flash with an interval of ~100ms	Port 3 is on a schedule based on Time of Day.
Steady 4 with flashing dot. The dot will flash with an interval of ~100ms	Port 4 is on a schedule based on Time of Day.
Steady 5 with flashing dot. The dot will flash with an interval of ~100ms	Port 5 is on a schedule based on Time of Day.
Flashing 1 with the interval of ~100ms	Port 1 is on a countdown timer
Flashing 2 with the interval of ~100ms	Port 2 is on a countdown timer
Flashing 3 with the interval of ~100ms	Port 3 is on a countdown timer
Flashing 4 with the interval of ~100ms	Port 4 is on a countdown timer
Flashing 5 with the interval of ~100ms	Port 5 is on a countdown timer
Blue light is ON	LED Push Button: When Port 1 or 2 is OFF
Green-light is ON	LED Push Button: When Port 2 is ON in manual mode
Green light is Flashing 1 second interval flashing when time remaining is more than 2 minutes otherwise flashes with 0.5 second	LED Push Button: When Port 1 or 2 is ON in Timer or schedular mode
Red light is flashing	LED Push Button: When there is an error with the Swimjet Light (Port 2)

4 Service and Maintenance

Nozzle Adjustment

The BaduStream System is provided with a set of nozzle adjustment tools. These tools will allow the user to set the jet nozzles into position for optimum performance.

When setting the nozzles for basic swimming, it is recommended that you set the nozzles in such a way that each nozzle intersects 4 feet away while breaking the surface at the same time. To help set the nozzles in position for best performance, please follow these instructions:

2 Jet System:
1. Extend the nozzle adjustment tool to full length.

2. Place one nozzle adjustment tool into the center jet nozzle, bring the blue nozzle tool so it is straight out and tilted up, so the end of the tool breaks the surface of the water and leave tool in the jet.*(See Figure 16)*

3 Jet System:
1. Extend the nozzle adjustment tool to full length.

2. Place one nozzle adjustment tool into the center jet nozzle, bring the blue nozzle tool so it is straight out and tilted up, so the end of the tool breaks the surface of the water and leave tool in the jet. *(See Figure 16A)*

3. Place the second tool in the left side jet, move the tool so that the end touches the end of the tool left in the center jet where it breaks the surface of the water.

4. Repeat step 3 for the right-side jet using the same tool used on the left jet.



Nozzle Adjustment Tools

NOTE: Though the nozzle adjustment tools are designed for outdoor use, it is advised to protect them from continuous direct heat.

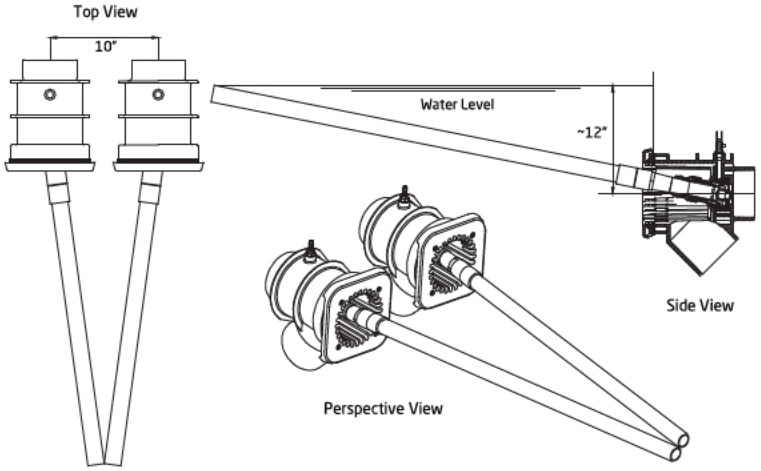


Figure 16
2 Jet System Nozzle Adjustment

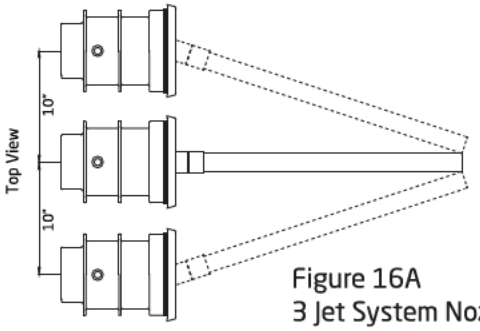


Figure 16A
3 Jet System Nozzle Adjustment

Winterizing

In areas subject to freezing water temperatures, you should protect your equipment. We recommend you purchase a winter cover kit part #2308752006K. This kit includes one (1) winter plate, one (1) gasket and four (4) screws.

Also, you can protect your swimjet system as follows: Drain pool until water level has dropped below the anti-entrapment cover. Then protect pump by removing drain plug and red filler plug (or lid).

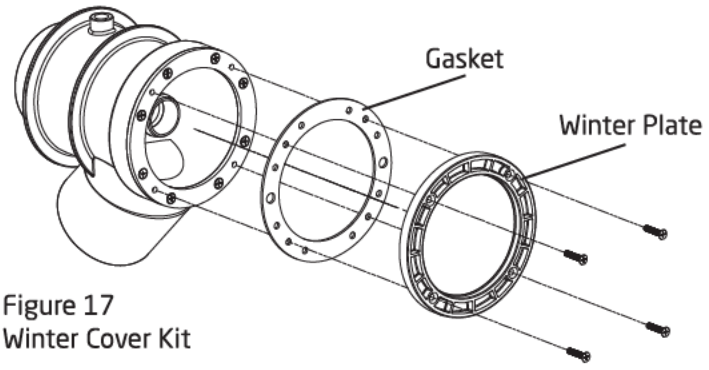


Figure 17
Winter Cover Kit

5 Frequently Asked Questions

How is the current generated?
The pump generates up to 400 GPM coming out of two (2) jet nozzles at 27 ft. per second and 36 ft. per second thru one (1) nozzle creating a swim current in excess of 5700 GPM, measured 6 ft. from the jet.

What size pool do I need?
The BaduStream can be installed in any size pool. However, we recommend a minimum length of 15 ft. and a minimum width of a 8 ft. swimming lane.

What size plumbing is necessary? How far away from the BaduStream can the pump be installed?
Use 4" plumbing up to 30 ft. For runs longer that 30 ft. use 6" plumbing. The pump should be placed as close to the BaduStream as local codes will allow. See plumbing installation on page 8 for more details.

How many amps does the pump operate at?
4.0 HP: Maximum 21.0 - 19.4 amps @ 208-230 V
3.5 HP: Maximum 15.2 - 14.0 amps @ 208-230 V

What size breaker do I need?
You must use a 40 amp breaker for the 4 HP pump or 30 amp breaker for the 3 HP pump to avoid nuisance tripping. A 60 amp breaker is required for three jets and two pumps system.

Is the BaduStream approved?
Yes. The BaduStream swim jet system is listed by MET, UL and complies with UL standard 1563 Swimming Pool Equipment, ASME standard A*NSI/ASME A112.19.8 (ANSI/APSP-16, 2011)* Standard for Swim Jet Combination Fittings, and is VGB 2008 compliant.

Do the covers come in different colors?
Yes. The round covers can be ordered in gray or black. The square cover is only available in black or white.

Does the air regulator come in different colors?
Yes. The air regulator can be ordered in black.

Does it matter if the housing is installed higher or lower than the manual states?
Yes, the center of the jet must be 12" **BELOW** estimated water level for proper performance of unit.

Can the air regulator be placed elsewhere?
Yes, as long as it is not continuously flooded with water.

Can the pump be placed below water level?
Yes. However, for best performance we recommend ordering a pump for flooded suction (Model 21-80/33G) instead of self-priming (Model 21-80/33GS). We recommend installing valves for ease of maintenance.

How far away can the LED push button function properly?
The LED push button will work as far as needed. However, only 50 ft. of cable is provided. Larger runs will require splicing at a junction box or purchasing the 100' cable button.

Do I need to install a motor starter?
In most case, no. All single phase pumps have built-in thermal overloads. Also, the three phase Model 21-80/33 has built-in thermal overload. Other three phase pumps require a motor starter.

Should this be tied into my filter system?
No. The swim jet system and the filter system should not be plumbed together as they each provide very specific functions.

Can I use with automated controls?
Yes. It comes with the ability to tie into automated control systems or other switching devices.

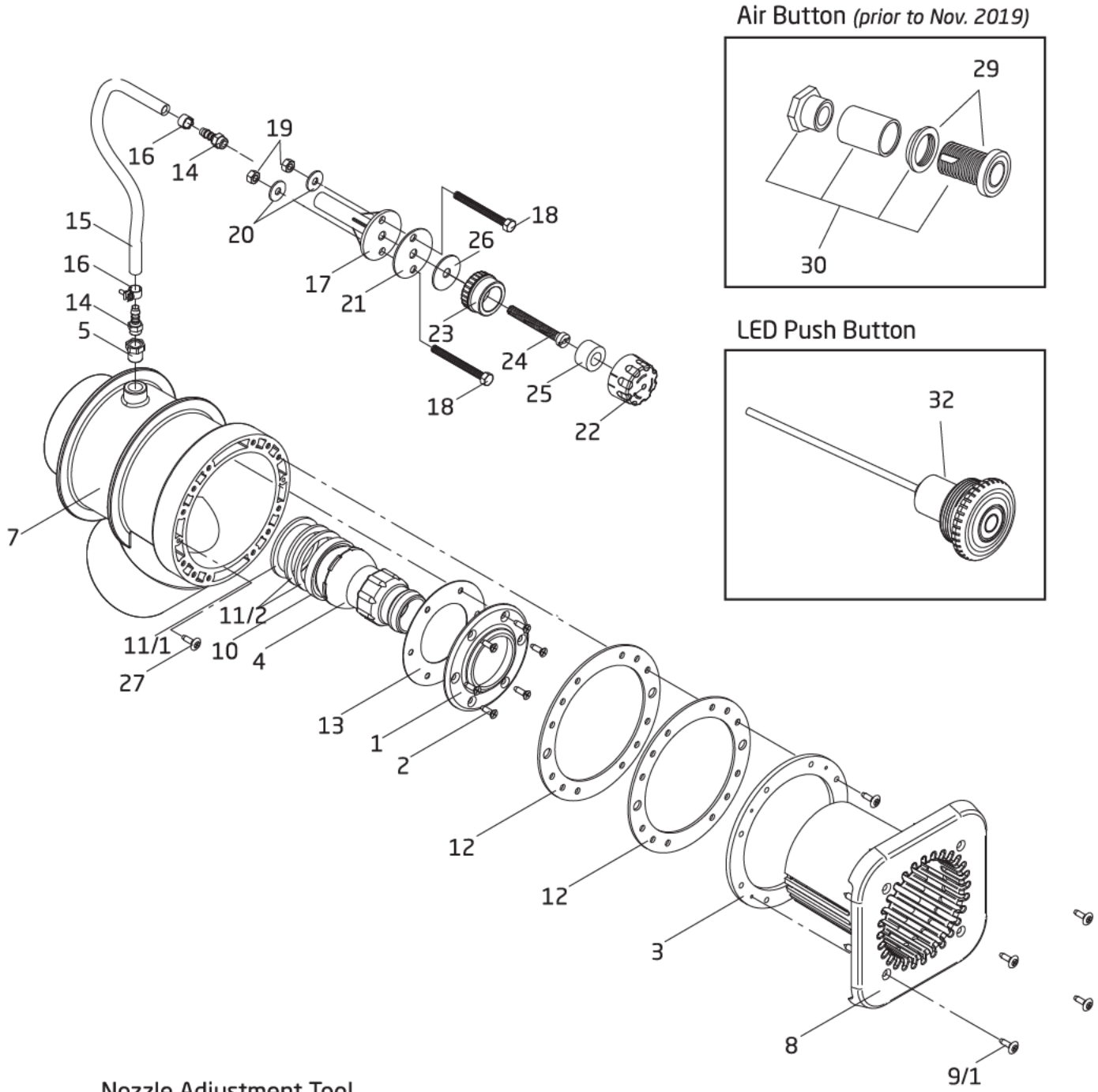
Trouble Shooting

PROBLEM	POSSIBLE CAUSES	SOLUTION
1. Pump will not prime.	a. Suction air leak.	Make sure the red filler plug and o-ring are clean and properly positioned. Tighten red filler plug. Tighten all pipes and fittings on suction side of the pump. Be sure water in the pool is high enough to flow through the jet housing.
	b. No water in pump.	Make sure pump housing is full of water.
	c. Closed valves or blocked lines.	Open all valves in system. Open pump and check for clogging of impeller.
	d. Low voltage to motor.	Check voltage at motor. If low, pump will not come up to speed.
2. Motor does not turn.	a. No power to motor.	Check that all power switches are on. Be sure fuse or circuit breaker is properly set. Check motor wiring at terminals.
	b. Pump jammed.	With power off, turn shaft. It should spin freely. If not, disassemble and repair.
3. Low flow.	a. No water in pump.	See problem 1.
	b. Closed valves or blocked lines.	
	c. Low voltage to motor	
4. Noisy operation of motor.	a. Bad bearings.	Check for noise when shaft is turned by hand. Motor will be very hot in bearing area when running. Replace bearing.
5. Motor runs hot.	These motors will run hot to the touch, however, this is normal. They are designed that way. Thermal overload protector will function to turn them off if there is an overload or high temperature problem. Excessive heat can be caused by:	
	a. Low voltage.	Increase size of electrical wire. Be sure motor is operating on correct voltage.
	b. Installed in direct sun.	Shield motor from sun's rays.
	c. Poor ventilation.	**DO NOT** block motor ventilation openings.
6. Noisy operation of pump.	a. Air leak in suction line.	Repair leak. Check suction pipe, red filler plug, and o-ring (See Problem 1).
	b. Restricted suction line due to blockage or under size pipe. Indicated by high vacuum reading at pump suction.	Remove blockage or increase suction pipe size. Are all suction valves fully open?
	c. Foreign matter (gravel, metal, etc.) in pump impeller.	Disassemble pump and remove foreign matter from impeller.
	d. Cavitation.	Improve suction conditions. (Reduce suction line length, reduce number of fittings, increase pipe size.)

Trouble Shooting - continued

PROBLEM	POSSIBLE CAUSES	SOLUTION
7. Motor overload protection "kicks out".	a. Motor is not connected properly.	Check wiring diagram on motor.
	b. Low voltage due to under size wire or low incoming voltage.	Check with volt meter. Increase size of supply wire. Report low supply voltage to power company. Voltage at motor must be within 10% of motor nameplate voltage.
	c. Wrong size heaters in protective device.	Heaters should be one size larger than full load amps shown on motor nameplate.
	d. Overload due to binding in pump or wrong size impeller.	Indicated by high amperage readings on motor, binding shaft. Disassemble unit and correct.
8. My ON/OFF LED push button is not working properly?	a. Control Box.	Check GFCI. If green LED does not stay ON, contact a certified electrician to diagnose control box components.
	b. Wiring.	Check the LED push button connections on the control box. Make sure the connections are tight.
9. The system will not turn OFF?	a. Control Box Components.	Press TEST button on the control box GFCI to turn off system. Contact a certified electrician to diagnose control box components.
10. I have adjusted the nozzles but the flow is weak?	a. Debris in pump casing/impeller.	Check inside pump casing for any debris.
	b. Improper swim jet assembly.	The internals may need to be removed for inspection.
11. The plastic cover is cracked.		To order contact the factory at 800-223-8538.

6 Product Specification



Replacement Parts

Order#	Drawing #	Qty Required	Description
2306002009	1	1	Face Ring - Nozzle
5879006021	2	6	Thread Cutting Screw - Face Ring K60 x 20 A2
2308762004	3	1	Ring - Clamping
2302002857	4	1	Nozzle - Adjustable Flow 40mm
2308761001A	5 & 7	1	Housing w/ Bushing Reducer 16 x 1/4"
2308750003	8	1	Cover - Square White
5879650625	9/1	4	Screw - Square Cover, Phillips/Pan M6 x 25mm
2991000077	9/2	8	Screw - Clamping Ring, Phillips Flat Head M6 x 20mm
5879650625	9/3	8	Screw - Clamping Ring, Phillips/ Pan M6 x 25mm
5879650640	9/4	8	Screw - Clamping Ring, Phillips/ Pan M6 x 40mm
2991000038	9/5	4	Screw - Sq.cover (Ext. Ring) Slot/ Pan M6 x 45mm
2302002056	10	1	Seat - Nozzle
2302002057	11/1	1	Spacer - Nozzle 6.2mm
2302002157	11/2	2	Spacer - Nozzle 4.0mm
2308750005	12	2	Gasket - Clamping Ring
2306002013	13	1	Gasket - Face Ring
2303004000	14-21	1	Holder w/ Hose Subassembly
2301001005	14	2	Nipple - Hose, Air Regulator, Plastic 1/4"
2301001007	15	1	Hose - Air Regulator, Plastic 8 x 3mm *(for single or three jet system)*
2301004001	15	1	Hose - w/ Y Fitting, Plastic 8 x 3mm *(for two jet system)*
2301001008	16	2	Clamp - Hose, Air Regulator 14/9 SS A4
2301001009	17	1	Holder - Air Regulator
2991000049	18	2	Screw - Air Holder, Slot/Pan 1/4-20 x 1-1/2"
2991000052	19	2	Nut - Air Holder, Hex Nut 1/4-20 SS
2991400024	20	2	Washer - Air Holder 1/4" SS
2301001013	21	1	Gasket - Air Holder 60 x 11 x 2mm
2301002000	22-26	1	Air Regulator (Sub-Assembly Complete) - White
2301002021	22	1	Top Part - Air Regulator - White
2301002022	23	1	Bottom Part - Air Regulator - White
2301002023	24	1	Screw w/ Hole - Air Regulator, Brass M10 x 80
2301002024	25	1	Ring - Hose, Air Regulator 16 x 30 x 18mm
2301002025	26	1	Gasket - Air Regulator 42 x 11 x 2mm
2991000059	27	2	Thread Cutting Screw - Jet Housing, Phillips/Pan 14 x 1
2304910010	Not Shown	1	Ring - Extension, Jet Housing (Flange)
2336002800A	32	1	50 ft. LED Push Button CPL - Pump

Order#	Drawing #	Qty Required	Description
2920280740	Not Shown	1	Control Box - BJC-7-GFCI-WIFI+CPB
2920280739	Not Shown	1	Control Box - BJC-7-GFCI-P2J3-WIFI+CP
Parts Below Are Unique to the BaduStream Shipped Prior to 11/2019			
7400000026	29	1	#10 Air Button
7400000027	Not Shown	1	Air Tube 1/8" x 1' *(Price per ft) (50' needed)*
7400000062	30	1	Air Button w/ Concrete Adaptor
Optional Parts			
2308752006K	Not Shown	1	Winter Cover Kit - Cover, Gasket & 4 Screws
2308750003B	8.1	1	Cover - Square Black
2308760004	Not Shown	1	Cover - Round White
2308760004B	Not Shown	1	Cover - Round Black
2308760004G	Not Shown	1	Cover - Round Gray
2301002000B	22.1 - 26	1	Air Regulator (Sub-Assembly Complete) - Black
2301002029	22.1	1	Top Part - Air Regulator - Black
2301002028	23.1	1	Bottom Part - Air Regulator - Black
2308750006	Not Shown	1	Butterfly Gasket - Clamping Ring
2300022010	Not Shown	1	Cap - Nozzle & Hand Grip, Close Off
2300003010	Not Shown	1	Massage Hose 5 ft. w/Pulsator & Hand Grip
2300003310	Not Shown	1	Massage Hose 15 ft. w/ Pulsator & Hand Grip
2308799007	31	1	Kit - Nozzle Adjustment Tool
2336002800B	32	1	100 ft. LED Push Button CPL - Pump

7 Limited Warranty

Product Registration

Thank you for purchasing a SPECK PUMPS® product please take a few moments to register it online. Your registration helps us keep you up to date on product information and offers.

Before you register:
What do I need to get started?

- The Serial Number and the Model Name
- An email address. We will use this to send you confirmation of your registration.
- A copy of your sales receipt and/or qualified installer's invoice.

To register your SPECK equipment please register online at www.usa.speck-pumps.com/register/

or

Scan QR code to register product

Limited Warranty

Speck Pumps-Pool Products, Inc. grants solely to the original consumer purchaser ("Buyer") of the BADU® SwimJet System(s)the following personal, non-transferable and limited warranty on the following terms and conditions (the "Limited Warranty"): the BADU SwimJet System(s) is warranted to be free of material defects in materials or workmanship under normal use for a period of one (1) year beginning on the date of the Buyer's purchase of the BADU SwimJet System(s) (the "Limited Warranty Period"). Not withstanding any provisions herein to the contrary, the warranties and obligations hereunder shall not in any event extend for more than two (2) years beyond the date of shipment of the BADU SwimJet System(s) from the factory (the "Limited Warranty Period"). The Limited Warranty is subject to each of the following additional terms and conditions:

1. **IN THE EVENT OF ANY BREACH OF THE LIMITED WARRANTY, SPECK PUMPS-POOL PRODUCTS, INC.'S ENTIRE OBLIGATION AND LIABILITY TO BUYER, AND BUYER'S SOLE AND EXCLUSIVE REMEDY SHALL BE AS FOLLOWS:** Speck Pumps-Pool Products, Inc. will, at its option, either repair or replace the BADU SwimJet System(s) or refund to Buyer the purchase price actually paid by Buyer for the BADU SwimJet System(s) subject to the Limited Warranty. Speck Pumps-Pool Products, Inc. shall have no obligations under the Limited Warranty unless Buyer delivers timely written notice to Speck Pumps-Pool Products, Inc. of the Limited Warranty claim within the Limited Warranty Period and returns the BADU SwimJet System(s) to Speck Pumps-Pool Products, Inc. if requested. To the fullest extent permitted by law, Speck Pumps-Pool Products, Inc. expressly disclaims any liability for, and the Limited Warranty does not include or cover, any labor, costs or other expenses in connection with the removal, transportation, shipment, insurance, replacement, repair, or installation of repaired or replaced parts or for any other costs or expenses or damages to property or things including, but not limited to, those arising in connection with the use of, or inability to use, the BADU SwimJet System(s).

2. To the fullest extent permitted by law, the Limited Warranty will be void and of no force or effect and Speck Pumps-Pool Products, Inc. will have no liability, responsibilities or obligations to Buyer or with respect to the BADU SwimJet System(s) in the event of the occurrence of any one or more of the following:

(a) Any damage to the BADU SwimJet System(s) caused by Buyer, any third party, ground movement, other natural forces, acts of God or any other sources or causes not arising from a breach of the Limited Warranty, excluding ordinary wear and tear;

(b) Any replacement, modification, alteration or repair of any parts or components of the BADU SwimJet System(s) by anyone other than Speck Pumps-Pool Products, Inc.;

(c) Any abuse, misuse, accident, tampering with, improper installation or modification of the BADU SwimJet System(s) or any other actions, inactions or failures to act that violate the terms and conditions of this Limited Warranty;

(d) Buyer's failure or inability to present an invoice, bill, receipt or other documentation clearly evidencing that the BADU SwimJet System(s) was installed and maintained in strict compliance with this Limited Warranty and that the claim was timely submitted within the Limited Warranty Period; and/or

(e) Buyer's failure to comply with the conditions and contingencies set forth in paragraph 3 below.

3. The Limited Warranty is expressly conditioned and contingent upon Buyer's strict compliance with each of the following:

(a) Installation of the BADU SwimJet System(s) by an experienced and qualified pool industry professional and a licensed electrician who is licensed within the jurisdiction in which the BADU SwimJet System(s) is installed and will be used; and

(b) Buyer's operation and maintenance of the BADU SwimJet System(s) in strict accordance with Speck Pumps-Pool Products, Inc.'s printed operator/maintenance manuals delivered with the BADU SwimJet System(s).

4. **DISCLAIMER: THE LIMITED WARRANTY IS THE ONLY WARRANTY MADE AND IS IN LIEU OF ALL OTHER WARRANTIES, AND ANY AND ALL IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY, THE IMPLIED WARRANTY AGAINST INFRINGEMENT, AND THE IMPLIED WARRANTY OR CONDITION OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY LIMITED IN THEIR SCOPE AND DURATION TO THE ONE YEAR TERM OF THE LIMITED WARRANTY SET FORTH HEREIN. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS, SO THE ABOVE LIMITATION MAY NOT APPLY TO THE BUYER.**

5. **TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT SHALL SPECK PUMPS-POOL PRODUCTS, INC. OR ITS OFFICERS, DIRECTORS, EMPLOYEES, SHAREHOLDERS, AGENTS, OR REPRESENTATIVES BE LIABLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES OR LOSS, INCLUDING TIME, MONEY, GOODWILL, AND LOST PROFITS IN ANY WAY WHICH MAY ARISE HEREUNDER OR FROM THE USE OF OR INABILITY TO USE THE BADU SWIMJET SYSTEM(S) OR THE PERFORMANCE OR NONPERFORMANCE OF ANY OBLIGATION UNDER THIS LIMITED WARRANTY. THIS PARAGRAPH, THE WARRANTY DISCLAIMERS IN PARAGRAPH 4 ABOVE, AND THE SOLE AND EXCLUSIVE REMEDY SET FORTH IN PARAGRAPH 1 ABOVE SHALL APPLY EVEN IF SPECK PUMPS-POOL PRODUCTS, INC. HAS BEEN NOTIFIED OF THE POSSIBILITY OR LIKELIHOOD OF SUCH DAMAGES OCCURRING, WHETHER SUCH LIABILITY IS BASED ON CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, PRODUCTS LIABILITY OR OTHERWISE, AND EVEN IF ANY REMEDY STATED HEREIN FAILS OF ITS ESSENTIAL PURPOSE. SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES OR LOSS, SO THE ABOVE EXCLUSIONS AND LIMITATIONS MAY NOT APPLY.**

6. This Limited Warranty gives the Buyer specific legal rights, and the Buyer may also have other rights, which vary from state to state.

7. A return merchandise authorization ("RMA") must be obtained from Speck Pumps-Pool Products, Inc. before returning any product. Products returned without an RMA will be refused and returned, unopened, to the Buyer. All returned products are to be sent freight prepaid and insured for Buyer's protection to the manufacturer at 8125 Bayberry Road, Jacksonville, Florida 32256 USA. Under no condition will products be accepted after the expiration of the Limited Warranty Period. Speck Pumps-Pool Products, Inc. shall not bear any costs or risks incurred by Buyer in shipping a defective BADU SwimJet System(s) to Speck Pumps-Pool Products, Inc. or in shipping a repaired or replaced BADU SwimJet System(s) to Buyer.

From: Simone Kenny, AICP
To: Simone Kenny, AICP
Cc: Chuck Merenda; Adam Mengel, AICP, LEED AP BD+C
Bcc: "Anthony Lombardo"; "Anthony Lombardo"; "Michael Goodman"; "dan wilcox"; "tconner[redacted]cblpa.com"; "Mark Langello"; "Michael Boyd ([redacted]gmail.com)"; "[redacted]gmail.com"
Subject: FW: Runoff 3 Pelican for Public Record and PDB
Date: Tuesday, September 9, 2025 9:53:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Planning and Development Board:

Please see below and attached regarding Item No. 10 on tomorrow's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner
E:[redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 9:15 AM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>; Planning Dept <[redacted]flaglercounty.gov>
Subject: Runoff 3 Pelican for Public Record and PDB

This is a photo of the runoff in front of 3 Pelican taken after the rainstorm night before last (~7pm Sept 7, Sunday). The water runoff will be worse when the impervious pool deck and (possible) large pump house are built. Unless Mr. Royer intends to redirect his **existing front downspouts across his front lawn** toward Pelican, a **similar issue** will be created

on Mockingbird when the **existing front side** downspouts are redirected to Mockingbird. And when Mr. Royer's **existing downspouts on back corner of his house are removed off adjacent property*** which is not owned by Mr. Royer **and redirected to Mockingbird**, it will be an **even worse issue** on Mockingbird.

When we get 12-15" rain during a hurricane followed by high tides, the neighborhood streets are going to have a real problem. This is why **we've requested the 3 Pelican variance plan address how runoff will be mitigated and/or kept on Royer property**.

* photo showing Royer backyard downspouts extending beyond his property line was previously submitted

Thank you,

Jackie O'Connell
[redacted]yahoo.com
336.512.9671 mobile

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 9:59 AM
To: Simone Kenny, AICP
Cc: Adam Mengel, AICP, LEED AP BD+C; Chuck Merenda
Subject: FW: Request for Fair Review Application #2025080063 of Pool House/Pump House/Shed Project

Planning and Development Board,

Please see below regarding Item No. 10 on tonight's Planning and Development Board regular meeting agenda.

Please contact us with any questions.

Thank you,
Simone

Simone Kenny, AICP
Senior Planner

E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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From: Jan <[redacted]ptd.net>
Sent: Tuesday, September 9, 2025 12:36 AM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>; Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>
Subject: Request for Fair Review Application #2025080063 of Pool House/Pump House/Shed Project

Dear Simone,

I am writing this letter as the homeowner. My husband, Raymond Royer, has been submitting and presenting applications to the county since February 2025. He has attended the TRC meetings prior to each application, asked questions, and sought guidance every step of the way — and yet we are still at a dead end.

Our project includes a small pool and a pool house/pump house/shed designed to be 9'7" high. The county's suggestion that we should use a 4-foot high shed is not practical or realistic. The structure must allow someone to stand inside to properly service the pool motor and to store patio furniture and equipment during storms. Our design is professional, aesthetically matches our home, and fully complies.

Instead of focusing on the facts and zoning requirements, we have been subjected to months of irrelevant and baseless objections from a small group of neighbors, two of which do not even reside in our community full-time. These property owners have been the most vocal about our project, even though it does not directly affect their property or rights as owners. Their objections are nothing more than ridiculous guessing and misunderstandings. To suggest we "swim in the ocean," "throw patio furniture into the pool," or that the pool house could somehow become living quarters or an Airbnb has no basis in reality.

One neighbor even claimed our professional renderings are "just computer-generated pictures" instead of recognizing that they were created to county specifications. This same neighbor went so far as to take a photo of our home and use a marker tool to draw their own version of what they thought we were requesting. That type of misrepresentation is absurd and misleading.

We have always spoken with our neighbors cordially and have acted in good faith throughout this process, following every rule, request, and requirement from the county. The truth is that some neighbors are using unrelated disputes — like our private roadway disagreements — to stir up conflict and delay our project.

It is our request that the county:

1. Disregard irrelevant, speculative, and inaccurate objections that are not tied to this project or zoning requirements.
2. Recognize that our project meets county requirements and is designed responsibly.
3. Provide a fair and timely resolution so we can move forward without further hardship.

This situation has cost us significant personal time, reapplication fees, rendering design expenses, and repeated document submissions. It has also caused unnecessary stress and division in the community.

We expect and request a fair decision in this matter, and we ask that the county reciprocate the good faith we have shown throughout this process by providing a timely and reasonable resolution.

The pool house/pump house/shed dimensions are well under the county's maximum allowance of 12 feet in height, and our project fully complies with the applicable standards.

Thank you for your attention and for moving this forward based on facts and requirements, not speculation.

Sincerely,

Jan Paxson

3 Pelican Lane

Adam Mengel, AICP, LEED AP BD+C

From: Dan OConnell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 2:10 PM
To: Simone Kenny, AICP; Planning Dept
Subject: 3 Pelican variance

Good afternoon Simone. I plan to bring you a flash drive with 5 slides for my presentation this evening so you will be able to show. Much easier than trying to use my cell phone. Which format is easiest for you, power point or pdf?

Additionally can you please send me any additional public comments you have received that did not make the packet posted Friday.

Thank you,
Dan OConnell

Sent from my iPhone

Adam Mengel, AICP, LEED AP BD+C

From: Simone Kenny, AICP
Sent: Tuesday, September 9, 2025 3:44 PM
To: Dan OConnell; Planning Dept
Subject: RE: 3 Pelican variance
Attachments: 20250908-0950-Harris Email.pdf; 20250908-1442-Oconnell Email.pdf; 20250909-0036-Paxon Email.pdf; 20250909-0953-Oconnell Email.pdf; 20250907-1400-Benoit email.pdf; 20250908-0822-Lane Email.pdf

Hello,

We cannot accept flash drives due to cybersecurity concerns. You can print-out your presentation or you can email it me. PowerPoint is fine.

Attached are public comments related to item 10 received after publishing.

Simone Kenny, AICP
Senior Planner
E: [redacted]flaglercounty.gov | V: 386-313-4067 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

-----Original Message-----
From: Dan OConnell <[redacted]yahoo.com>
Sent: Tuesday, September 9, 2025 2:10 PM
To: Simone Kenny, AICP <[redacted]flaglercounty.gov>; Planning Dept <[redacted]flaglercounty.gov>
Subject: 3 Pelican variance

Good afternoon Simone. I plan to bring you a flash drive with 5 slides for my presentation this evening so you will be able to show. Much easier than trying to use my cell phone. Which format is easiest for you, power point or pdf?

Additionally can you please send me any additional public comments you have received that did not make the packet posted Friday.

Thank you,
Dan OConnell

Sent from my iPhone

Growth Management Department-Planning & Development Project No.2025080063-AR 5921-Variance in Residential Limited Commercial District (3 Pelican Lane)
September 9, 20225 Board Meeting

comments from neighbor at 7 Pelican Lane (Nancye Walls) – Please vote NO based on
1. This project keeps going round and round. Board has approved EVERYTHING EXCEPT height of pump house. I do not see a 9-10 foot tall, 100 square foot building on front of property and ON PROPERTY LINE anywhere in Flagler County. Has Board ever approved variance like this ?

2. The pictures of wall and pump house are not the way it will really look.. They dont reflect the right-of-way intersection and existing houses that abut his property or the Power connection to the roof that will stick up like a pipe chimney. They dont reflect my tenants parking their work trucks along his 4 foot wall. There are 4 vacant lots - 2 at either end of Mockingbird and 2 behind Mr. Royer property. These will eventually be built on and each builder will want to extend to property line – front, side and back. They will all want setback variances like 3 Pelican. This is the start of ever growing congestion and falling property values.

3. As time goes on and property is sold, the probability of re-purposing this pump house is high – expensive pumps that generate wave resistance is low priority for most people. They only need to go to ocean. Expect pump house to become pool house, in-law suite, quest house, tiny house, BNB !!!

4. Hardship ? There are 3 pools, 2 detached garages in neighborhood and no project required a variance because owners followed the rules. Apparently the hardship is housing pumps. The pumps Mr Royer described were German made and very expensive. I googled this and found "Badu Jet Super-Sport Swim Jet System, 208-230V- $9,626.00 ships free – **shipping dimensions 25 by 20 by 21 inch; weight 124 pounds** upc code 840182102952" I have attached a picture. The control unit can be attached to wall to give easy access to changing water volume and air regulator

VR, [signature] 571-426-2867









Adam Mengel, AICP, LEED AP BD+C

From: Mo Brunk <[redacted]ymail.com>
Sent: Wednesday, September 10, 2025 12:04 PM
To: Adam Mengel, AICP, LEED AP BD+C
Subject: Project No. 2025080063 – REQUEST FOR A VARIANCE 3 Pelican Lane

Good Morning Mr. Mengel,
I attended last evening's meeting (and spoke) regarding the variance requested at 3 Pelican Lane. Would it be possible for you to email me copies of the letters neighbors sent to you regarding their stance on the proposed variance? I do not see them in the correspondece attached to the paperwork of Mr. Royer's documentation file.

Thank you for you assistance.
Maureen Brunk
5 Cardinal Lane
Flagler Beach

443-472-7402

Adam Mengel, AICP, LEED AP BD+C

From: Adam Mengel, AICP, LEED AP BD+C
Sent: Wednesday, September 10, 2025 3:03 PM
To: Mo Brunk
Cc: Simone Kenny, AICP; Chuck Merenda; PublicRecords
Subject: RE: Project No. 2025080063 – REQUEST FOR A VARIANCE 3 Pelican Lane
Attachments: 20250908-1442-Oconnell Email.pdf; 20250909-0036-Paxon Email.pdf; 20250909-0953-Oconnell Email.pdf; 20250907-1400-Benoit email.pdf; 20250908-0822-Lane Email.pdf; 20250908-0950-Harris Email.pdf; Scanned Document.pdf; 20250908-0902-Walls email.pdf

Hi Ms. Brunk:

When we publish the agenda and backup – typically the Friday before the Planning and Development Board meeting scheduled for the following Tuesday – we include in the backup all correspondence received up until the date of publication. Anything received after publishing the agenda and backup is sent to the Planning and Development Board via email.

I have attached the emails that we received (and sent to the Planning and Development Board members) related to Project No. 2025080063 following the publication of the Planning and Development Board's agenda and backup for the September 9, 2025 meeting.

I hope that this information if helpful.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

FLAGLER COUNTY FLORIDA

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Mo Brunk <[redacted]ymail.com>
Sent: Wednesday, September 10, 2025 12:04 PM
To: Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov>
Subject: Project No. 2025080063 – REQUEST FOR A VARIANCE 3 Pelican Lane

Good Morning Mr. Mengel,
I attended last evening's meeting (and spoke) regarding the variance requested at 3 Pelican Lane. Would it be possible for you to email me copies of the letters neighbors sent to you regarding their stance on the proposed variance? I do not see them in the correspondece attached to the paperwork of Mr. Royer's documentation file.

Thank you for you assistance.
Maureen Brunk
5 Cardinal Lane
Flagler Beach

443-472-7402

Adam Mengel, AICP, LEED AP BD+C

From: Jackie OConnell <[redacted]yahoo.com>
Sent: Friday, October 31, 2025 4:38 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: Chuck Merenda; Simone Kenny, AICP
Subject: Re: Royer 3 Pelican Lane appeal

Thank you.
Jackie

Excuse brevity and typos, sent from mobile device

On Oct 31, 2025, at 4:17 PM, Adam Mengel, AICP, LEED AP BD+C <[redacted]flaglercounty.gov> wrote:

Hi Ms. O'Connell:

This week Mr. Royer sent us an email stating that he would like his variance appeal to be heard by the Board of County Commissioners at its Monday, January 12, 2026 regular meeting starting at 5 p.m. We will provide public notice – letters and signs – as the meeting date approaches.

I wanted to send this email to you now so that you are aware of this date.

Please contact us with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

E: [redacted]flaglercounty.gov | V: 386-313-4065 | W: www.flaglercounty.gov

FLAGLER COUNTY FLORIDA

Flagler County Board of County Commissioners
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Adam Mengel, AICP, LEED AP BD+C

From: Jackie O'Connell <[redacted]yahoo.com>
Sent: Tuesday, January 6, 2026 11:13 AM
To: Sarah Spector
Cc: Adam Mengel, AICP, LEED AP BD+C; Sean S. Moylan
Subject: FW: follow up Board/Commission meetings - Royer Appeal 01.12.26

Ms. Spector,
In reviewing the Royer Appeal packet provided to the BCC, it appears that four variance opposition letters were excluded. These letters were submitted to the Planning Board for its September meeting. For due process, it is very important that the Commissioners have a full picture of the amount of opposition to the variance request. Below is Mr. Moylan's response when a similar issue occurred at the May appeal.

Jackie O'Connell
Mockingbird Lane

-----Original Message-----
From: Sean S. Moylan <[redacted]flaglercounty.gov>
Sent: Monday, August 18, 2025 8:08 AM
To: Jackie OConnell <[redacted]yahoo.com>
Subject: RE: follow up Board/Commission meetings

Good morning,
I verified your comments/emails were not made part of the record on appeal. I instructed staff that the entire record must be presented to the BCC on appeals.

Sean S. Moylan
Deputy County Attorney
Board Certified City, County, and Local Government Law
E:[redacted]flaglercounty.gov | V: 386-313-4056

Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

-----Original Message-----
From: Jackie OConnell <[redacted]yahoo.com>
Sent: Sunday, August 17, 2025 2:02 PM
To: Sean S. Moylan <[redacted]flaglercounty.gov>
Subject: follow up Board/Commission meetings

Hello Mr. Moylan,
I appreciate the time you took to talk with me last Wednesday. There were a couple of items, relating to meetings on May 5 and Aug 12, that you were going to verify or research. Would you be able to provide an update (call or email) sometime on Monday, 8/18?
Thanks,
Jackie O'Connell

336.512.9671 mobile
Excuse brevity and typos, sent from mobile device

January 6, 2026

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance and appeal. I have provided the attached letters and photos previously submitted for previous hearings on this matter.

Sincerely,

George E. Benoit

George E. Benoit

14 Pelican Lane
15 Pelican Lane
17 Pelican Lane
6 Driftway Terrace
Flagler Beach, FL 32136

September 6, 2025

Flagler County Planning & Development

Dear sirs:

Re: Project No. 2025080063

Please include my objection again to the requested variance. I had provided the attached letter and photos for previous hearings on this matter.

Sincerely,

George E Benoit

17 Pelican Lane &
6 Driftway Terrace
Flagler Beach, FL 32136

July 8, 2025

Flagler County Planning and Development Board
1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110

RE: Project No. 2025050042 – AR 5689 – Variance in the R/C (Residential Limited Commercial) District

Dear sirs:

I am opposed to the requested variance for the following reasons:

1. I own two properties at the end of Pelican Lane. Pelican Lane slopes from route A1A down to the intracoastal waterway and all the stormwater runoff ends up in both of my yards every time we have a heavy rain.

2. The lots in the subdivision are all small under 10,000 ft.^{2}.

3. Granting a variance for a large shed roof will add to the water runoff and more accumulation on my property, which I don't need.

4. By approving this variance you will be setting a precedent for this type of request.

5. See 3 photos.

   a. Pelican Lane looking up to A1A.
   b. Sand and stone that washes down after storms.
   c. Flooded yard.

Sincerely,

George E Benoit

George E. Benoit


PELICAN LANE ↑
14 PELICAN →
← 15 PELICAN


14 PELICAN →
SAND + STONE
FROM WATER/RAIN


17 PELICAN

Adam Mengel, AICP, LEED AP BD+C

From: rental POC, Nan <[redacted]gmail.com>
Sent: Friday, January 9, 2026 1:25 PM
To: Nan Wahl; Jackie OConnell; Planning Dept
Subject: Jan 12, 2026 Mtg of Flagler county Commissioners proj #2025080063, 3 Pelican Lane
Attachments: 3 Pelican VARIANCES appeal 12 Jan.odt

Comments for Flagler County Board of County Commissioners, Jan 12, 2026, concerning 3 Pelican Lane Project # 2025080063

Good morning, I am Nancye Walls, owner of 7 Pelican Lane and I do not support Mr Royer's appeal.. I feel the Planning Boards was more than fair in approving all variances, I even worry that these variances set a bad precedence for future development- 4 -5 vacant lots within River-Beach Subdivision whose owners will want the same variances that virtually allow boundary to boundary construction with limited provisions for utilities, jeopardizes safety, disregards public access, limits privacy and puts a utility building in direct sight of A1A travelers and most of the neighborhood residences. Property values are declining all over and this building is going to be an eye-sore !

DID THE FLAGLER COUNTY PLANNING PROCESS FAIL MR ROYER ?

Multiple variances requested and **approved by the Planning Board in February 2025:**

Variances: New construction of pool, pump house, pool deck
3.5 foot rear
25 foot left street side
.8 percentage point lot coverage

These variance allow the construction of approximately 100 square foot pool house situated on or within 2 feet of the property border with Mockingbird Street

ALL VARIANCES WERE APPROVED BUT HEIGHT OF POOL HOUSE WAS NOT TO EXCEED FOUR FEET (per subdivision covenants) and the square footage allowed was virtually unlimited if the pool pumps and storage were incorporated into the 4 foot fence

Mr Royer is appealing the limitation on the pool house height. He plans to build a 8 by 12 foot concrete building that is approximately 9 feet high almost directly on the property line – no setback – and feels the height limitation restricts the full use of his property. My property at 7 Pelican is directly across Mockingbird. The only thing good about the prospects of having a high, wide solid concrete wall so near my property is that I can bounce a tennis ball against it.

I don't see high structures on the side of the road in any residential areas. There are also other factors that must be considered : utility right-of-ways, preserving property values, public safety, and setting a standard that is inconsistent with the neighborhood are just a few.

Adam Mengel, AICP, LEED AP BD+C

From: Ray <[redacted]ptd.net>
Sent: Sunday, January 11, 2026 10:25 AM
To: Adam Mengel, AICP, LEED AP BD+C; Simone Kenny, AICP
Cc: Raymond Royer
Subject: Fwd: Swim jet installation
Attachments: Letter 01-09-2026.pdf

To whom this concerns,
Please summit this into my file for 1/12/2026 5:30 pm. schedule appeal meeting. This is a follow up about the sales manager Chris having a general conversation Speck installation with a neighboring party.
Chris was not aware of his conversation or email exchange was going to be used for an outside reference, like a neighbor installation being a mixed pool equipment or the environment being by salt conditions to hurricane zones.

Thanks,
Raymond Royer

Sent from my iPhone

Begin forwarded message:

> **From:** Ray <[redacted]ptd.net>
> **Date:** January 9, 2026 at 1:21:44 PM EST
> **To:** Chris Doyle <c.[redacted]speck-pumps.com>
> **Subject: Re: Swim jet installation**
>
> Chris,
> Perfectly Balanced with explaining and thanks.
> Ray
> Sent from my iPhone
>
> > On Jan 9, 2026, at 11:38 AM, Chris Doyle <c.[redacted]speck-pumps.com> wrote:
> >
> > Hey Ray,
> >
> > See the attached letter in reference to the pool equipment situation. Please let me know if you have any questions.
> >
> > Regards,

Chris Doyle
Southeast Regional Sales Manager

Speck Pumps • 8125 Bayberry Road •Jacksonville, FL 32256 • USA
Phone: 904-739-2626 | **Cell: 904-314-3050** | **Fax:** 904-737-5261
E-mail: C.[redacted]speck-pumps.com | **Website:** www.speck-pumps.com

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NOTICE OF CONFIDENTIALITY: This e-mail from Speck Pumps-Pool Products, Inc. is intended only for the use of the individual or entity to whom it is addressed and may contain confidential, copyrighted and/or legally privileged information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. It is strictly forbidden to share any part of this message with any third party, without written consent of the sender. If you received this e-mail in error please return it to the sender and destroy the original message. Thank you.

While anti-virus software is in place the recipient should be aware that this e-mail and any attachments might not be free from viruses in their various forms. Speck Pumps-Pool Products, Inc. accepts no liability for any loss or damage that may occur as a result of the transmission to the recipient.

<Letter 01-09-

26.pdf>

Hey Ray,

This message is intended to provide clarification from Speck Pumps' perspective regarding a prior technical discussion.

The original conversation and related emails were part of a general, informational exchange concerning the BADU swim jet system Package D and its typical height and installation requirements. That discussion was limited in scope and intended solely to address general system requirements under standard installation scenarios.

It has since come to our attention that this information was referenced in relation to an overall pool equipment configuration that was not discussed in the prior conversation. Other swimming pool products—such as pool pumps, salt systems, filtration equipment, and heat pumps—may have different sizing or installation requirements that fall outside the scope of the BADU swim jet system.

While we cannot speak to the installation guidelines or requirements of other swimming pool equipment manufacturers, it is our general opinion that minimizing prolonged exposure to salt air will contribute to improved longevity of most pool equipment.

From the manufacturer's standpoint, we do not evaluate, approve, or disapprove site-specific structures, neighboring installations, or local zoning interpretations. Any application of our general guidance to a specific project should be reviewed by the appropriate design professionals, installers, or local authorities to ensure compliance with all applicable codes and conditions.

We remain available to provide general technical information related to the swim jet system itself, should it be helpful; however, we are not positioned to arbitrate or interpret matters between neighboring parties.

Please feel free to reach out if additional technical clarification is needed regarding the swim jet system.

Best Regards,

Chris Doyle
Southeast Regional Sales Manager

Adam Mengel, AICP, LEED AP BD+C

From: Ray <[redacted]ptd.net>
Sent: Sunday, January 11, 2026 11:20 AM
To: Adam Mengel, AICP, LEED AP BD+C; Simone Kenny, AICP
Cc: Raymond Royer
Subject: Between 3388-3398 N. Ocean Shore Blvd.

To whom this concerns,

This is one of three pool structures larger than 4' in height within plus or minimize one mile from 3 Pelican Lane , Flagler Beach. This property is located in the RC corridor that stretches north on A1A by Zoning and Planning.

This is a new structure being constructed behind the home with a large pool and homeowner planning in commendation pool housing within feet of the pool. This structure appears to be 12' in height and approximately 500 plus sqft.

The pool housing structure is a very close match of the main structure that is three stories in height. The pool house structure was also built in block with a mental roof.

Please note this into my file as well for 01/12/2026 5:30 pm. repeal hearing.

Thanks,
Raymond Royer







Sent from my iPhone

From:	Mo Brunk
To:	Adam Mengel, AICP, LEED AP BD+C; Planning Dept
Subject:	Project No. 2025080063 – Request for an Appeal of the Planning and Development Board's Decision
Date:	Monday, January 12, 2026 2:43:39 PM

Dear Mr. Mengel and the Planning Department,
I am requesting the Commissioners uphold the Planning Board's decision. Mr. Royer has **NOT** been deprived of all reasonable use of the property as allowed in the zoning district. Quite the opposite, he has been granted the variances necessary to have a pool, pool deck, and pump house; there is no longer a hardship.

In deciding, the Board of County Commissioners must make three determinations: the Planning and Development Board failed to base its decision on competent substantial evidence, accord due process, and/or observe the essential requirements of law. All 3 determinations were successfully met by the Planning and Development Board.

Mr. Royer is creating a self-induced hardship by insisting on an over-sized pump house. If he doesn't feel the 4-foot height is adequate and he cannot build the pump house he desires with the variances granted, then perhaps this is not the ideal lot for him.

The other homes in the neighborhood with pools have not requested any special variances for their pool pumps; there is no need to set a precedence for over-sized buildings on small lots.

The requirements specify "A variance, if granted, shall be the minimum variance necessary to alleviate the hardship". The board has granted Mr. Royer the necessary variances for the pool and pump house; he has not been denied use of his property. Please do not overturn the Planning Board's decision regarding an over-sized pump house.

There is no competent, substantial evidence in the official record that Mr. Royer has unnecessary hardship; therefore, the Commissioners should affirm the Planning Board's decision.

Maureen & Andrue Brunk
5 Cardinal Lane

From:	PenTeleData Webmail
To:	Raytaj1335; Hannah Lademann; ortizbuildingcontractor
Cc:	fatboy6
Subject:	Re: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130
Date:	Thursday, April 23, 2026 8:18:55 PM

To Whom It May Concern,

In reference to the above-mentioned project Tajmir Davis Engineering is asking for more clarity in order to move forward. Flagler County Planning and Develoment Board requested more discovery information on 04/14/2026 and requested an Enginerring Report. Ray from Tajmir Davis Engineering is requesting something in writing from Flagler County Planning and Develoment since this is a continuance there is no written denial notice that I can provide him. At many previous TRC meetings they stated the structure can go to a height of 12' anything further requires another height application request. My application request from February 2025 has always been for 10' but the build is going to be approximately 9' 7" with allowance of a 3" buffer to avoid going over the 10' height request.

Months prior to the 4/14/26 hearing I spoke with Ray from Tajmir Davis Engineering who was referred to me by Ortiz Building Contractor. At that time my discussion with Ray from Tajmir Davis Engineering was regarding the pool system and the 4' height that the county approved and his response was that the 4' height isn't reasonable for the mechanical equipment and to create an architectal design for a project that will not be suitable is a waste of time and money for both us.

Per my conversation with Hannah Lademann, Growth Mgt. Planning I am sending this email to ask her to respond to ALL so that Ray from Tajir Davis Engineering has record that no denial notice will be issued due to the continuance hearing on 8/11/26. This will allow me to continue collaborating with Tajir Davis Engineering and Ortiz Building Contractor.

Thank you,
Raymond Royer
3 Pelican Lane
Flagler Beach, Fl 32136
(610)636-5826
fatboy6@ptd.net

> **From:** PenTeleData <fatboy6@ptd.net>
> **To:** Raytaj1335 <Raytaj1335@gmail.com>; hlademann <hlademann@flaglercounty.gov>
> **Date:** Thursday, 23 April 2026 8:24 AM EDT

From:	Hannah Lademann
To:	"PenTeleData Webmail"; Raytaj1335; ortizbuildingcontractor
Cc:	Simone Kenny, AICP
Subject:	RE: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130
Date:	Monday, April 27, 2026 4:56:00 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png

Hi Ray,

Sorry for the delay in response, I was out of the office on Friday. To summarize, the Planning and Development Board is looking for evidence from an engineer or other design propfessional supporting the need for a taller structure for the pumps or equipment that will be housed in the structure.

Hannah Lademann

Planner

E: HLademann@flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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From: PenTeleData Webmail <fatboy6@ptd.net>
Sent: Thursday, April 23, 2026 8:19 PM
To: Raytaj1335 <Raytaj1335@gmail.com>; Hannah Lademann <HLademann@flaglercounty.gov>; ortizbuildingcontractor <ortizbuildingcontractor@gmail.com>
Cc: fatboy6 <fatboy6@ptd.net>
Subject: Re: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130

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3" buffer to avoid going over the 10' height request.

Months prior to the 4/14/26 hearing I spoke with Ray from Tajmir Davis Engineering who was referred to me by Ortiz Building Contractor. At that time my discussion with Ray from Tajmir Davis Engineering was regarding the pool system and the 4' height that the county approved and his response was that the 4' height isn't reasonable for the mechanical equipment and to create an architectal design for a project that will not be suitable is a waste of time and money for both us.

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Thank you,
Raymond Royer
3 Pelican Lane
Flagler Beach, Fl 32136
(610)636-5826
[redacted]

From: PenTeleData <[redacted]>
To: Raytaj1335 [redacted]
<hlademann@flaglercounty.gov>
Date: Thursday, 23 April 2026 8:24 AM EDT

From:	Ortiz Building Contractor
To:	Hannah Lademann
Cc:	PenTeleData Webmail; Raytaj1335; Simone Kenny, AICP
Subject:	Re: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130
Date:	Tuesday, April 28, 2026 9:22:40 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png Speck Flyer-Cartridge-Filters.pdf Installation-Manual-BaduJet-Turbo-Pro.pdf

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Good morning Hannah,
I am working with Mr. Royer on this project and will be both the builder for the Accessory structure and the pool builder. The need for the height of 9' 7" is due to several factors. First being that the equipment needs room to breathe and allow built up gasses to dissipate, we will be installing baffles at either end of the structure, a solar powered roof vent fan and venting on ridge to allow for maximum air flow. Second reason for the height requirements is that in order to service the equipment which is already at above 4' with the equipment pad, is to allow you to pull the filters out for cleaning which are also approximately 45". In order to properly service equipment you must have clearance to work on all pool equipment. I am attaching some of the information needed to explain better. Anchor will be handling the electrical portion of this install. If you have any further questions please feel free to contact me.
Thank you,
Tamara

Tamara Daniels, Director of Ortiz Building & Roofing Divisions

Jose' E. Ortiz, Jr., President
Jose' E. Ortiz, Jr., L.L.C.
D.B.A. Ortiz Building Contractor
LIC# RB29003834, CPC1460694
4601 E. Moody Blvd, Suite A3
Bunnell, FL 32110
(386) 313-6055

On Mon, Apr 27, 2026 at 4:56 PM Hannah Lademann <HLademann@flaglercounty.gov> wrote:

> Hi Ray,
>
> Sorry for the delay in response, I was out of the office on Friday. To summarize, the Planning and Development Board is looking for evidence from an engineer or other design propfessional supporting the need for a taller structure for the pumps or equipment that will be housed in the structure.
>
> **Hannah Lademann**
> Planner

E: HLademann@flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

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From: PenTeleData Webmail [redacted]
Sent: Thursday, April 23, 2026 8:19 PM
To: Raytaj1335 [redacted] Hannah Lademann <HLademann@flaglercounty.gov>; ortizbuildingcontractor [redacted]
Cc: fatboy6 [redacted]
Subject: Re: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130

To Whom It May Concern,

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Months prior to the 4/14/26 hearing I spoke with Ray from Tajmir Davis Engineering who was referred to me by Ortiz Building Contractor. At that time my discussion with Ray from Tajmir Davis Engineering was regarding the pool system and the 4' height that the county approved and his response was that the 4' height isn't reasonable for the mechanical equipment and to create an architectal design for a

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Per my conversation with Hannah Lademann, Growth Mgt. Planning I am sending this email to ask her to respond to ALL so that Ray from Tajir Davis Engineering has record that no denial notice will be issued due to the continuance hearing on 8/11/26. This will allow me to continue collaborating with Tajir Davis Engineering and Ortiz Building Contractor.

Thank you,

Raymond Royer

3 Pelican Lane

Flagler Beach, Fl 32136

(610)636-5826

[redacted]

From: PenTeleData [redacted]
To: Raytaj1335 <[redacted]hlademann <hlademann@flaglercounty.gov>
Date: Thursday, 23 April 2026 8:24 AM EDT

From:	Hannah Lademann
To:	"Ortiz Building Contractor"
Cc:	PenTeleData Webmail; Raytaj1335; Simone Kenny, AICP
Subject:	RE: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130
Date:	Tuesday, April 28, 2026 11:36:00 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png

Hi Tamara,

We can pass along this correspondence to the Planning Board as apart of the public record. I do believe what they're looking for is substantial evidence that the 9'7" height request is the **minimum relief necessary** to allow for the airflow and maintenance you've mentioned.

Hannah Lademann
Planner
E: HLademann@flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov

Flagler County Board of County Commissioners

Bunnell, FL 32110

The mission of Flagler County is to provide high-quality services through a responsive workforce committed to excellence, integrity, in collaboration with the cities and to act as a fiscally responsible steward.

From: Ortiz Building Contractor [redacted]
Sent: Tuesday, April 28, 2026 9:21 AM
To: Hannah Lademann <HLademann@flaglercounty.gov>
Cc: [redacted] Simone Kenny, AICP <SKenny@flaglercounty.gov>
Subject: Re: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130

Good morning Hannah,
I am working with Mr. Royer on this project and will be both the builder for the Accessory structure and the pool builder. The need for the height of 9' 7" is due to several factors. First being that the equipment needs room to breathe and allow built up gasses to dissipate, we will be installing baffles at either end of the structure, a solar powered roof vent fan and venting on ridge to allow for maximum air flow. Second reason for the height requirements is that in order to service the equipment which is already at above 4' with the equipment pad, is to allow you to pull the filters out for cleaning which are also approximately 45". In order to properly service equipment you must have clearance to work on all pool equipment. I am attaching some of the information needed to explain better. Anchor will be handling the

electrical portion of this install. If you have any further questions please feel free to contact me.
Thank you,
Tamara

Tamara Daniels, Director of Ortiz Building & Roofing Divisions

Jose' E. Ortiz, Jr., President
Jose' E. Ortiz, Jr., L.L.C.
D.B.A. Ortiz Building Contractor
LIC# RB29003834, CPC1460694
4601 E. Moody Blvd, Suite A3
Bunnell, FL 32110
(386) 313-6055

On Mon, Apr 27, 2026 at 4:56 PM Hannah Lademann <HLademann@flaglercounty.gov> wrote:

> Hi Ray,
>
> Sorry for the delay in response, I was out of the office on Friday. To summarize, the Planning and Development Board is looking for evidence from an engineer or other design propfessional supporting the need for a taller structure for the pumps or equipment that will be housed in the structure.
>
> **Hannah Lademann**
> Planner
> E: HLademann@flaglercounty.gov | V: 386-313-4069 | W: www.flaglercounty.gov
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> **Flagler County Board of County Commissioners**
> Bunnell, FL 32110
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> ---
>
> **From:** PenTeleData Webmai[redacted]
> **Sent:** Thursday, April 23, 2026 8:19 PM
> **To:** [redacted] Hannah Lademann <HLademann@flaglercounty.gov>; [redacted]
> **Subject:** Re: Project 2025080063, April 14th. 2026, Parcel Number 223-11-31-5300-00000-0130
>
> To Whom It May Concern,

In reference to the above-mentioned project Tajmir Davis Engineering is asking for more clarity in order to move forward. Flagler County Planning and Develoment Board requested more discovery information on 04/14/2026 and requested an Enginerring Report. Ray from Tajmir Davis Engineering is requesting something in writing from Flagler County Planning and Develoment since this is a continuance there is no written denial notice that I can provide him. At many previous TRC meetings they stated the structure can go to a height of 12' anything further requires another height application request. My application request from February 2025 has always been for 10' but the build is going to be approximately 9' 7" with allowance of a 3" buffer to avoid going over the 10' height request.

Months prior to the 4/14/26 hearing I spoke with Ray from Tajmir Davis Engineering who was referred to me by Ortiz Building Contractor. At that time my discussion with Ray from Tajmir Davis Engineering was regarding the pool system and the 4' height that the county approved and his response was that the 4' height isn't reasonable for the mechanical equipment and to create an architectal design for a project that will not be suitable is a waste of time and money for both us.

Per my conversation with Hannah Lademann, Growth Mgt. Planning I am sending this email to ask her to respond to ALL so that Ray from Tajir Davis Engineering has record that no denial notice will be issued due to the continuance hearing on 8/11/26. This will allow me to continue collaborating with Tajir Davis Engineering and Ortiz Building Contractor.

Thank you,
Raymond Royer
3 Pelican Lane
Flagler Beach, Fl 32136
(610)636-5826
[redacted]

From: PenTeleData [redacted] hlademann <hlademann@flaglercounty.gov>
Date: Thursday, 23 April 2026 8:24 AM EDT

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 3/27/2026
Last Data Uploaded: 3/27/2026 7:26:59 AM

Developed by SCHNEIDER GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

FLAGLER COUNTY FLORIDA

Flaglercounty.gov
Phone: (386)313-4009

March 26, 2026

«OwnerName» «OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2025080063 – AR No. 5921 – Variance in the R/C (Residential/Limited Commercial) District

Dear Property Owner,

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

> A request has been made by owner Raymond R. Royer Jr., located at 3 Pelican Lane, identified as Parcel Number 23-11-31-5200-00000-0130, for a Variance from the 25 Foot Minimum Street Side (West) Setback Requirement for a Pump House and a Variance from the Maximum Allowed Lot Coverage in the R/C (Residential/Limited Commercial) District.

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell, Florida, on **April 14 , 2026** beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,
Hannah Lademann

Hannah Lademann
Planner

NOTE: PURSUANT TO SECTION 286.0105. FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHEWILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance	Greg Hansen	Kim Carney	Leann Pennington	Pam Richardson
District 1	District 2	District 3	District 4	District 5

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip
23-11-31-1700-00000-0090	HOGAN JAMES A &	DEBORAH A H&W	12 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136
23-11-31-4790-00000-0290	ROANE DONALD T &	DONNA W H&W	344 SAINT JOHNS FOREST BOULEVARD		SAINT JOHNS, FL 32259
23-11-31-5300-00000-0210	BRUNK ANDRUE E	& MAUREEN O H&W LIFE ESTATE	5 CARDINAL LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0180	HARRIS RENE DAWN & JEFFREY D	RIZK	3 CARDINAL LANE		FLAGLER BEACH, FL 32136
23-11-31-1700-00000-0110	STEINBRING ANNE L & DAVID B BUSCH H&W		8 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0060	HARE ROBERT & NATALIE	DIEDERICH H&W	12 PELICAN LN		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0110	ELLSBURY CHARLES E & LINDA M	H&W	9 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0170	OCONNELL DANIEL E & JACQUELINE	A OCONNELL H&W	3617 REDFIELD DRIVE		GREENSBORO, NC 27410
23-11-31-1700-00000-0020	LUKUCH GRAZYNA	LIFE ESTATE	1239 OCEAN SHORE BOULEVARD APT 9E		ORMOND BEACH, FL 32176
23-11-31-1700-00000-0120	BENOIT GEORGE E JR LIFE ESTATE		17 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0120	WALLS NANCYE WINDSOR		89 WESTFIELD LANE		PALM COAST, FL 32164
23-11-31-1700-00000-0130	FRASER DEREK GUY TRUSTEE &		343 BLUE HAMPTON DRIVE		PONTE VEDRA, FL 32081
23-11-31-5300-00000-0050	GORDO INVESTMENTS MANAGEMENT LLC		4070 N CHINOOK LN		ORMOND BEACH, FL 32174
23-11-31-1700-00000-0010	HINMAN JANET F TRUSTEE		7 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0230	OCONNELL JACQUELINE & DANIEL E	OCONNELL W&H	3617 REDFIELD DRIVE		GREENSBORO, NC 27410
23-11-31-5300-00000-0040	MCAULIFFE HEATHER	& KINDRA MCCULLOUGH JTWROS	8 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0160	HOYT DAVID HOUSTON	LIFE ESTATE	3880 MARTIN STREET		ORLANDO, FL 32806
23-11-31-5300-00000-0130	ROYER RAYMOND R JR & JANICE L	PAXSON	3 PELICAN LANE		FLAGLER BEACH, FL 32136
23-11-31-1700-00000-0140	FRASER DEREK G TRUSTEE		343 BLUE HAMPTON DRIVE		PONTE VEDRA, FL 32081
23-11-31-5300-00000-0030	MCKAIG SERRA		213 W VIRGINIA AVENUE		DELAND, FL 32720
23-11-31-4790-00000-0300	CORNERSTONE REALTY AND TRUST LLC		35 N RIVERWALK DR		PALM COAST, FL 32137
23-11-31-5300-00000-0240	TASLIDZIE ESAD		5922 CORAL LAKE DRIVE		POLMANO BEACH, FL 33063
23-11-31-5300-00000-0150	ANESGART ALICE E LIFE ESTATE		3126 N OCEAN SHORE BOULEVARD		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0020	CASTILLO MANUEL & CARIDAD H&W		3110 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-5300-00000-0140	SCUDDER ROBERT KIRK	& GINA MARIE CASTELLO JTWROS	3118 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-4790-00000-0310	SCHWEITZ FREDRICK O		400 SW 48TH STREET RD		OCALA, FL 34474
23-11-31-5300-00000-0010	JANECZEK THOMAS		3110 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-1700-00010-00B0	HICKS JOHN	& BRITTANY H&W	1001 TEMPLE GROVE PLACE		WINTER GARDEN, FL 34787
23-11-31-1700-00010-00C0	POKORSKY THOMAS M & MICHELE M	POLORSKY H&W	3131 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136
23-11-31-0000-02110-0000	THREE SISTERS INVESTMENTS LLC		3206 SANDY RIDGE DR		CLEARWATER, FL 33761
23-11-31-0000-02100-0000	SHIKANY CHARLES P & KRISTIN	H&W	728 W JACKSON BLVD		CHICAGO, IL 60661
23-11-31-0000-02090-0000	3109 N A1A LLC		DEREK OR JODIE FRASER 343 BLUE HAMPTON DRIVE		PONTE VEDRA, FL 32081
23-11-31-0000-02080-0000	3109 N A1A LLC		DEREK OR jODIE FRASER 343 BLUE HAMPTON DRIVE		PONTE VERDA, FL 32081
23-11-31-2925-00000-0010	MOLLIS KRISTI LYNN		3105 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136

I hereby affirm mailed notice to each owner on 3/26/2026 for the Planning and Development Board meeting on 4/14/2026 at 6:00 pm.

Hannah Lademann, Planner


NOTICE OF
PUBLIC HEARING

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING
Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, August 11, 2026, at 6:00 P.M.

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

   Members Present: Anthony Lombardo, Dan Wilcox, Mark Langello (Chair), Ron Long (Vice-Chair), Michael Boyd and Timothy Conner.

   Members Absent: Michael Goodman.

   Present: Chuck Merenda, Interim Growth Management Director; Simone Kenny, Principal Planner; and Hannah Lademann, Senior Planner.

   Board Counsel: Sarah Spector, Assistant County Attorney

2. Pledge to the Flag.

3. Approval of July 14, 2026 minutes.

   Motion to approve by: Michael Boyd
   Seconded by: Anthony Lombardo
   Motion carried unanimously.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:
Staff – 10 minute presentation.
Applicant – 15 minute presentation (unless time extended by consensus of Board).
Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

4. Swear in Applicants and Members of Public wishing to testify on any item on today's agenda.

5. Quasi-judicial requiring disclosure of ex parte communication:
   Project 2025080063 – **REQUEST FOR VARIANCE IN THE R/C (RESIDENTIAL LIMITED COMMERCIAL) DISTRICT** – Request for a Variance in the R/C (Residential/limited Commercial) District for a Pump House at 3 Pelican Lane. Parcel Number: 223-11-31-5300-00000-0130; Parcel Size: 7,500+/- Square Feet (0.17+/- Acres). Owner/Applicant: Raymond Royer Jr. (AR 5921).
   (TRC, PDB)

   Board Comments: None

   Staff Presentation: Hannah Lademann, Senior Planner.

Chuck Merenda, Interim Growth Management Director speaks to the Engineering Report staff received today ahead of tonight's meeting.

Applicant Presentation: Raymond Royer, Owner. Tamara Daniels, Ortiz Contracting Services.

Mr. Lombardo asks if there is going to be a heat pumps in addition to the pool pumps? Ms. Daniels confirms yes that there will be and all equipment will be housed in the building. Mr. Royer states that the structure will not insulated, but it may house two heat pumps.

Mr. Langello asks Ms. Daniels to clarify her mention of gases. Ms. Daniels states she was referring to the natural gasses from the equipment, such as chlorine.

Mr. Conner asks if they can improve the ventilation by installing fans. Ms. Daniels states that they could, but Mr. Royer wants to preserve some of the heat generated. Mr. Conner confirms that they need a larger building for proper ventilation but they also want to contain all the heat inside at the same time. Ms. Daniels states they want the gases to dissipate, that if they build up and are exasperated by the heat then it can cause problems. Mr. Conner asks if they couldn't do that with fans. Ms. Daniels says she supposes you could. Mr. Conner states that it used to be customary to go down with equipment and asks if that is not an option here. Ms. Daniels states that she doesn't have the specifics of the pool equipment, but that the equipment should be level with the deck, and that they're not buried anymore.

Public Comments:

Maureen Bronk, resident of 5 Cardinal Lane. She states that there have been statements made that have threat of a law suit, and she hopes that this does not sway the way the Board votes. She states that legal counsel has stated that there needs to be substantial competence evidence to support the need for the increased pumphouse, which the provided engineering letter does not provide. She states that the information provided in the letter does not support the need for an 8' height with proper codes or manufactures requirements. She suggests there are other alternatives for housing the equipment that meet the 4' height limitation of the pumphouse. She asks that the Board not approve this just because the proposed design is preferred or desired by the applicant, it is not the minimum relief necessary to alleviate the hardship.

Dan O'Connell, resident of 7 Mockingbird Lane. Speaking on behalf of Dawn Harris, resident of 3 Cardinal Lane. He makes multiple points attesting to the fact the Mr. Royer's request is not the minimum relief necessary. He states that after the April meeting, Mr. Royer agreed to provide an alternative layout with the pumphouse in the rear, but has not done so and conveniently not mentioned it tonight. He references an alternative pump system referenced in a prior email from Mr. Ortiz that do not need to be housed in a pumphouse. He states that Mr. Royer waited until today to provide the engineer's report, exploiting the 4-month continuance granted by the PDB board and circumvented the review process. He questions whether then engineer considered alternative locations for the pumphouse, alternative equipment configurations, or alternate enclosure materials, or if he simply just rubber stamped Mr. Royers wants. He states that this Board has asked for specific information on the heat load when the question of height was brought up, and that no specific information has been provided and no heat load calculations were performed. He states that the engineer does not state that this is the minimum size enclosure that could work for this project.

Jackie O'Connell, resident of 8 Mockingbird Lane. Speaking on behalf of the Hoyt family and Ms. Nancye Walls. She states that all residents abutting the subject property on Mockingbird Lane are opposed to the variance request. She states that Mr. Royer just stated on the record that the

manufacturer does not require the pumps/equipment to be enclosed. She states that it took 1 month for the Board to approve variances for the pool and pool deck, but the fact that we are here 19 months later still speaking about the pump house, proves that it is not a reasonable request nor a hardship request. She states that these being specialty pumps are a want, and that wants do not qualify for minimum variance relief. She states that this request is an unsightly feature for their neighborhood that would change the character/environment. She states Mr. Royer is requesting a pool house almost as large as the pool itself. She states while the engineers' report is a very nicely written report, it provides absolutely nothing in the way of substantial evidence. She states that it just echoes Mr. Royers wants. She states that the letter acknowledges that this is "not conventional residential pool equipment" and therefore there is no hardship, as this is over and above what would normally be required or expected in a neighborhood.

Mr. Royer on rebuttal. He shows images of other properties in the neighborhood or in adjacent neighborhoods that show accessory structures with heights exceeding 4' in height. He states that the manufacturer does not state the equipment needs to be enclosed, but it also doesn't say it shouldn't be enclosed. He states when you buy a BMW car, the manufacturer does not tell you how to house it or maintain it, that its owner preference.

Mr. Long asks staff what the fence height requirement along the rear property line is. Ms. Kenny states it is six feet. Mr. Long questions if that 6' is allowed all the way along the rear, even up to the property line that is technically a street side property line. Ms. Kenny states yes.

Mr. Langello asks staff to pull up the photos submitted by a member of the public of other pump houses. Ms. Kenny projects this onto the screen. Mr. Langello states they have heard a lot from the neighborhood, and had this exact application been proposed on the west side of the county where there is more room, perhaps it would be more favorable. Mr. Langello states that because the smaller nature of the property, you do have to consider the nature of the neighborhood. Mr. Langello refers back to his earlier recommendations to build along the current building and that that option was not exhausted at all. He asks how many times you continue to chip at a hole.

Mr. Wilcox states that it is not within the purview of the Board to design the project. Mr. Boyd states that while the pumphouse alternative shown are adequate, they're not attractive. He states that the pumphouse he is proposing is attractive and doesn't see how the neighbors could be adversely affected by the proposed pumphouse. Mr. Boyd states in reference to the engineer report that you could go through and pick out certain statements to prove your point, but in his review of the report he sees that the engineer states the height is reasonable and appropriate for the function. He states while there are some neighbors that are opposed to this, he doesn't understand how it can adversely affect anyone.

Mr. Langello states that there was no question of the attractiveness of the building, but of how tall and close to the street it was. He states that we've given a lot of variances and were at the point of trying to meet the minimum relief requirement. He asks if they are to just keep granting everything the applicant wants despite how it might affect those in the neighborhood.

Mr. Conner states that he is stuck because he hasn't heard anything new tonight. He states that we have conflicting review by our own staff regarding the engineers report. He states the engineer letter is not rising to the level of substantial competence evidence that would change the dynamics of what they've heard in the past. He states that the information they received from the contractors representative is that the pumps need to be level with the pool, and that the pool is underground. He states that putting the pumps four feet in the ground to accommodate a higher working space for Mr. Royer is not at all unreasonable. He states he agrees with Mr. Wilcox that we should not be

designing the project but suggests there are alternatives that will meet the already approved variance criteria.

Mr. Wilcox, in his professional opinion as an engineer, does not see the visibility triangle or vision clearance to be an issue on this specific project. He states whether we like or don't like what the engineer report said, he stated he said it was reasonable and we should take that for what it is.

Mr. Lombardo echoes some of the points made by other Board members. He states that none of the alternative pumphouses shown are as aesthetically pleasing as the proposed rendering from the applicant.

Mr. Long states that Mr. Royer does have his minimum relief, and could move forward with his project today. He states the Board did not decide on the 4' height on a whim, that it was a condition to meet the height of the fencing and to be aesthetic to the neighborhood. Mr. Long states that he personally believes this continuous request by the applicant is for added privacy along the front property line where a higher fence is not allowed. He states that "reasonable and appropriate" doesn't mean required, stating that is what the Board is looking for.. is this required as we're trying to give him the minimum relief necessary to alleviate his hardship. He states if the structure really has to be this high, why not at least humor the Board as move it to the back of the property. He asks staff if the request before them today increases the footprint size from the original variance, and if so he would be willing to go to that increased footprint, still with the 4' height restriction.

Mr. Conner states that when this item was continued so that the could propose a new design with the structure at the rear of the property. Mr. Long and Mr. Lombardo echo this was the case. Mr. Conner asks Mr. Royer to come back up and explain why he didn't do that.

Mr. Royer states that it was mentioned before, and that it can not be at the back of the house. Mr. Conner asks him why the building can't be placed in the corner at the rear of the property next to his house. Mr. Royer states that that portion of the building is plywood. He states it is his understanding that if he moves the structure to the rear of the property, it has to meet the 10' rear setback when his house is 6' from the rear property line. He also mentions that he was told if his house was ever destroyed, 50% or more in value, that the house would have to move to that 10' rear setback. Mr. Conner asks if the Board would be willing to give him that variance, would he consider moving the building to the rear. Mr. Royer states that the problem is that he would have to change all the power in his house because the power and water are already on that side of the house. Mr. Conner asks if that is a no or if he is willing to put it in the back. Mr. Royer states he'd like to put it in the back, but right now, feasible wise, it would not be aesthetic or look appropriate.

Mr. Wilcox asks staff to confirm that if Mr. Royer relocates the structure to the rear of the property, it would be another application and hearing. Ms. Spector states that if the applicant and board agree to it, it would not have to come back as a new application.

Mr. Long asks staff to confirm if the building footprint on the original variance granted is the 12'8" by 7'6" size. Ms. Kenny states the footprint in the original application was slightly smaller and while she doesn't recall the exact dimensions, with this application the Board would be increasing the lot coverage by 1.2%.

Mr. Langello states that twice he heard the mention of property values and that a variance is not here to increase a property value. He states he personally believes that placing the pumphouse at the rear of the property would not decrease his property value. Mr. Lombardo states he is not opposed to the structure being on the back of the property.

Mr. Langello states that his concern is not about the aesthetics looking bad because it's an ugly looking building, but rather that right on the corner of the property and that it changes the character of the neighborhood. He states would create that look of tight lots where each house is crammed in there like the 40' and 50' wide lots you see today. He states that this is not the minimum relief necessary and that other options don't seem to be considered, it's either this way or the highway.

Mr. Lombardo asks if we can make a recommendation that the Board would be willing to approve it if the structure was pushed to the rear of the property. Mr. Langello asks for Ms. Spector, based on what is being proposed, if this can be continued one more time to a date certain with a new proposal that shows this design in a new location. Ms. Spector states if they can fully address all of the issues in a motion, it does not need to come back. Mr. Conner reminds the board that they have a motion on the floor that needs to be disposed of. He states that he believes what Ms. Spector means was if the Board can get consensus amongst themselves and Mr. Royer, and that there is no good sense in continuing the item for another expected site plan change if the applicant is not willing to engage in that.

Mr. Long states that he's not at the point of considering moving it to the rear. He states he believes they would be right back here in four months looking at the same exact plan because that's been the history. He states that he doesn't believe this is the first time the Board has hoped to see the plan presented differently, rather the last time they hoped to see it differently, it came back with a bigger footprint and pretty pictures. He states the Board has tried twice to see if there can be adjustment on this but that there is no desire on the other end to do that. Mr. Conner states that unfortunately he shares Mr. Longs pessimism.

Ms. Kenny states that for clarification to the Board, the code states that they can continue an item only once and that they have done that already. Mr. Langello restates that the option to continue is not there, that he either needs an approval or denial and can reapply in six months. Mr. Lombardo questions the potential end in a tie being a denial. Ms. Kenny states there isn't a timing period on a reapplication, and clarifies that the six month language is for a rezoning. As for the split vote, Ms. Kenny states we need a decision tonight or we're not going home, that you will either have to convince or sway your other Board members or come to some compromise, whatever that may be.

Mr. Lombardo states as much as he believes the applicant has expressed his desire not to put the structure at the rear of the property; it is possibly a suggestion from the Board to reconsider that and bring it back that way. That a redesign was an expectation the Board had from past applications.

Ms. Spector asks to make a recommendation to the Board, that if that is the direction the Board is leaning that they go forward with the motion for denial especially because there is not a reapplication period. Mr. Long clarifies that there is a motion for approval on the floor right now. Ms. Spector apologizes and clarifies she meant a remotion for denial. Mr. Long states if this is denied, he can re-do his plan and bring it back to them again. Mr. Conner clarifies that they would have to not approve the motion on the floor and then do another motion for denial. Ms. Spector confirms.

Mr. Lombardo asks Mr. Royer as much as he may not want to do it, to give him the space and the height, would he highly consider moving the structure to the rear of the property. Mr. Royer questions the setback of his existing structure and if he would need the structure to meet the 10' rear setback. He states if there were seven members present tonight that this would be approved and he doesn't get why the no-ers won't budge. He states he would rather they give him two ties again and then he will take it to the County and litigate it. He states he has always come in here in good faith and to honor him as the applicant.

Mr. Wilcox asks staff to confirm that he does meet the front setback off Pelican Lane. Ms. Kenny confirms. Mr. Wilcox clarifies that the front is not a concern, rather the concern is the west side. Ms. Kenny confirms and states also the lot coverage. Mr. Long states that it's not about the setback in the front or the side, that the height was made to match the fence.

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.01.E have been met and therefore approves Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25-foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

Motion to approve by: Michael Boyd
Seconded by: Dan Wilcox
Anthony Lombardo – Yay
Dan Wilcox – Yay
Ron Long – Nay
Timothy Conner – Nay
Michael Boyd – Yay
Mark Langello (Chair) – Nay
Motion tied 3-3. (Long, Conner, and Langello opposed)

Mr. Wilcox states he is opposed to the statement that he has not given enough evidence, and states that he has given evidence over and over and over again. He states that Mr. Royer has shown that he is willing to put in a substantial structure that has aesthetic value for the neighborhood. Mr. Long states that in that scenario we'd be saying because it's pretty he can do it. He questions if that is the substantial evidence that the building has to be eight feet tall, because it looks pretty. Mr. Wilcox counters that the neighbors are arguing they don't want it because it is ugly. Mr. Long states that that point is not a part of his decision either way, that they landed on the four foot height limitation because of the max fence height allowed in the front yard.

Mr. Lombardo states that in his opinion he believes the space is needed to work on the equipment. Mr. Long states then he would go back to his question of why the building has to be sitting right in this exact spot of the property. Mr. Wilcox states that he has already shared with us that his electrical and plumbing requires the structure to be in that location. Mr. Long states that we are all aware you can take electrical anywhere you want. He states that is personal preference. Mr. Langello states if this was the only place he could do this and that he needed to do this, he doesn't believe there would be any negative votes on the Board, but what they're up against was did he ask for the minimum amount needed to get what he needed. He states that instead he came back with a bigger plan, and that Mr. Royer is not going for the minimum here, but going for whatever the desire was.

Mr. Conner states that he does not disagree with what Mr. Wilcox and Mr. Boyd are saying. That if you own a piece of land you ought to be able to do what you want with it. He states that the difference is while they live out in the woods on acreage, this gentleman has bought a postage stamp lot so he can be close to the beach and that you just can't do everything you want to do on that size lot.

Mr. Wilcox states the he is before us today because his lot is undersized for the district platted in 1949. Mr. Langello states but he knew this, buyer beware.

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.01.E have not been met, that the requested variance is not the minimum relief necessary to alleviate the hardship, and therefore denies Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25-foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

Motion to deny by: Ron Long
Seconded by: Timothy Conner
Anthony Lombardo – Nay
Dan Wilcox – Nay
Timothy Conner – Ay
Michael Boyd – Nay
Ron Long - Ay
Mark Langello (Chair) – Ay
Motion tied 3-3. (Lombardo, Wilcox, Boyd opposed).

MOTION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.01.E have not been met, that the requested variance is not the minimum relief necessary to alleviate the hardship, and therefore denies Project No. 2025080063 for a 22.34 left (West) street side setback variance from the minimum required 25-foot street side setback and 1.2 percent lot coverage variance from the maximum allowed 35 percent lot coverage for a pump house at 3 Pelican Lane (Parcel No. 23-11-31-5300-00000-0130).

Motion to deny by: Ron Long
Seconded by: Timothy Conner
Anthony Lombardo – Yay
Dan Wilcox – Nay
Timothy Conner – Yay
Michael Boyd – Nay
Ron Long - Yay
Mark Langello (Chair) – Yay
Motion carried 4-2 (Wilcox and Boyd opposed)

6. Quasi-judicial requiring disclosure of ex parte communication:
Project 2026060040 – **REQUEST FOR VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT** – Request for a Variance in the R-1 (Rural Residential) District from the Minimum Required Front Setback at 2 Valencia Street. Parcel Number: 38-11-31-0950-00000-0330; Parcel Size: 26,140+/- Square Feet (0.60+/- Acres). Owner/Applicant: Michael and Nancy Morea. (AR 6617) *(TRC,PDB)*

Board Comments: Mr. Wilcox has recused himself from the vote. Mr. Conner states he knows the applicants but has not discussed this application with them. Mr. Langello states he knows the applicants, and would consider them friends, but it has nothing to do with how he would vote.

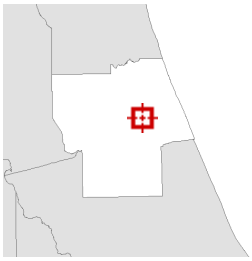
Staff Presentation: Hannah Lademann, Senior Planner.

Applicant Presentation: Michael and Nancy Morea.

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 12/23/2024
Last Data Uploaded: 12/23/2024 7:24:50 AM

Developed by SCHNEIDER GEOSPATIAL

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110

Flaglercounty.gov
Phone: (386)313-4009
Fax: (386)313-4109

September 15, 2026

«OwnerName» «OwnerAddress1»
«OwnerAddress2»
«OwnerCityStZip»

RE: Project No. 2025080063/AR No. 3743 – Appeal of Planning and Development Board Decision for a Variance in the R/C (Residential Limited Commercial) District (Order No. 5921-A).

Dear Property Owner,

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

> A request has been made by Owner Raymond R. Royer Jr., located at 3 Pelican Lane, identified as Parcel Number 23-11-5200-00000-0130, for an Appeal of a Planning and Development Board Decision for a Variance in the R/C (Residential Limited Commercial) District (Planning and Development Board Order No. 5921-A, signed August 19, 2026 and recorded in Official Records Book 3080, Page(s) 925 to 925, of the Public Records of Flagler County, Florida).

You are hereby notified that a public hearing before the **Flagler County Board of Commissioners**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell Florida, on **October 5, 2026**, beginning at **9:30 a.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

Simone Kenny

Simone Kenny
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105. FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHEWILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Andy Dance	Greg Hansen	Kim Carney	Leann Pennington	Pam Richardson
District 1	District 2	District 3	District 4	District 5

AR No. 6743

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
23-11-31-1700-00000-0090	HOGAN JAMES A &	DEBORAH A H&W	12 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136	
23-11-31-4790-00000-0290	ROANE DONALD T &	DONNA W H&W	1000 EAGLE POINT DR		ST AUGUSTINE, FL 32092	
23-11-31-5300-00000-0210	BRUNK ANDRUE E	& MAUREEN O H&W LIFE ESTATE	5 CARDINAL LANE		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0180	HARRIS RENE DAWN & JEFFREY D	RIZK	3 CARDINAL LANE		FLAGLER BEACH, FL 32136	
23-11-31-1700-00000-0110	STEINBRING ANNE L & DAVID B BUSCH H&W		8 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0060	HARE ROBERT & NATALIE	DIEDERICH H&W	12 PELICAN LN		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0110	ELLSBURY CHARLES E & LINDA M	H&W	9 PELICAN LANE		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0170	OCONNELL DANIEL E & JACQUELINE	A OCONNELL H&W	3617 REDFIELD DRIVE		GREENSBORO, NC 27410	
23-11-31-1700-00000-0020	LUKUCH EDWARD &	GRAZYNA	1239 OCEAN SHORE BLVD #9F		ORMOND BEACH, FL 32176	
23-11-31-1700-00000-0120	BENOIT GEORGE E JR LIFE ESTATE		17 PELICAN LANE		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0120	WALLS NANCYE WINDSOR		89 WESTFIELD LANE		PALM COAST, FL 32164	
23-11-31-1700-00000-0130	FRASER DEREK GUY TRUSTEE &	JANET FRASER HINMAN TRUSTEE	1800 OLD MOODY BLVD		BUNNELL, FL 32110	
23-11-31-5300-00000-0050	GORDO INVESTMENTS MANAGEMENT LLC		4070 N CHINOOK LN		ORMOND BEACH, FL 32174	
23-11-31-1700-00000-0010	HINMAN JANET F TRUSTEE		7 DRIFTWAY TERRACE		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0230	OCONNELL JACQUELINE & DANIEL E	OCONNELL W&H	3617 REDFIELD DRIVE		GREENSBORO, NC 27410	
23-11-31-5300-00000-0040	MCAULIFFE HEATHER	& KINDRA MCCULLOUGH JTWROS	8 PELICAN LANE		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0160	HOYT DAVID HOUSTON	LIFE ESTATE	3880 MARTIN STREET		ORLANDO, FL 32806	
23-11-31-5300-00000-0130	ROYER RAYMOND R JR & JANICE L	PAXSON	3 PELICAN LANE		FLAGLER BEACH, FL 32136	
23-11-31-1700-00000-0140	FRASER DEREK G TRUSTEE		1800 OLD MOODY BLVD		BUNNELL, FL 32110	
23-11-31-5300-00000-0030	MCKAIG DAVID P TRUSTEE		321 N 11TH ST		FLAGLER BEACH, FL 32136	
23-11-31-4790-00000-0300	WILLIAMS RACHEL V TRUSTEE		16529 NW 193RD TERRACE		HIGH SPRINGS, FL 32643	
23-11-31-5300-00000-0240	TASLIDZIE ESAD		5922 CORAL LAKE DRIVE		POLMANO BEACH, FL 33063	
23-11-31-5300-00000-0150	ANESGART HOWARD S & ALICE E	ANESGART H&W	3126 N OCEANSHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0020	CASTILLO MANUEL & CARIDAD H&W		3110 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-5300-00000-0140	SCUDDER ROBERT KIRK	& GINA MARIE CASTELLO JTWROS	1717 SE 11TH STREET		OCALA, FL 34471	
23-11-31-4790-00000-0310	SCHWEITZ FREDRICK O		400 SW 48TH STREET RD		OCALA, FL 34474	
23-11-31-5300-00000-0010	JANECZEK THOMAS		3110 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-1700-00010-00B0	HICKS JOHN	& BRITTANY H&W	1001 TEMPLE GROVE PLACE		WINTER GARDEN, FL 34787	
23-11-31-1700-00010-00C0	POKORSKY THOMAS M & MICHELE M	POLORSKY H&W	3131 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	
23-11-31-0000-02110-0000	THREE SISTERS INVESTMENTS LLC		3206 SANDY RIDGE DR		CLEARWATER, FL 33761	
23-11-31-0000-02100-0000	SHIKANY CHARLES P & KRISTIN	H&W	728 W JACKSON BLVD		CHICAGO, IL 60661	
23-11-31-0000-02090-0000	3109 N A1A LLC		1800 OLD MOODY BLVD		BUNNELL, FL 32110	
23-11-31-0000-02080-0000	3109 N A1A LLC		1800 OLD MOODY BLVD		BUNNELL, FL 32136	
23-11-31-2925-00000-0010	MOLLIS KRISTI LYNN		3105 N OCEAN SHORE BLVD		FLAGLER BEACH, FL 32136	

I hereby affirm mailed notice to each owner on 9/15/2026 for the Board of County Commissioners meeting on 10/05/2026 at 9:30 am.

_____

Simone Kenny, Principal Planner


APPLICATION # 6743
NOTICE OF
PUBLIC HEARING
THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING AT:
FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
1769 E. MOODY BOULEVARD, BLDG 2; BUNNELL, FL 32110
OCTOBER 5, 2026 @ 9:30 AM
REQUEST: APPEAL OF PDB DECISION
APPLICANT: RAYMOND ROUER
Parcel Number: 23-11-5200-00000-0130
Zoning District: R/C
THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION, RELATIVE TO THE PROPERTY WHEREON THIS NOTICE IS POSTED.

From:	[REDACTED]
To:	Planning Dept; Rose Keirnan
Subject:	Ray Royer 10/5/26 Meeting
Date:	Tuesday, September 29, 2026 8:25:08 PM
Attachments:	Flagler County Commissioners.docx

Please find attached my letter to the Flagler County Commissioners concerning Ray Royer at 3 Pelican Ln, Flagler Beach, FL 32136.

Thank you for taking the time to review my concerns.
Dawn Harris
[REDACTED]
Flagler Beach, FL 32136

To Flagler County Commissioners,

The **Planning Board decision should be upheld for 3 Pelican Lane** appeal.

I have followed this variance request for months and submitted comments to oppose. The Planning Board has:

· Heard lots of evidence that a 4 feet pump enclosure is sufficient;

· Been patient with all of Ray Royer's presentations, changes, and delays;

· I believe The Planning Board has followed the pertinent laws and processes.

It is time to put closure to Ray's increasing demands for a taller pump house. He **doesn't need** a taller pump house – he ***wants*** a pool house. There is no need for any structure which exceeds the 4 ft. fence height, let alone 12'x8' in size. My neighbor at 6 Pelican Ln recently built a pool. No large pool house or variances were needed for pool, pumps or filters.

Ray told me that he will get approval this time, and he will build to 12 feet. That is why keeping the height condition is important. I don't want to see tall concrete walls for an unnecessary pump/storage/pool house. I want Ray to enjoy his pool, but he could have had one already if he didn't keep increasing the height.

Most of the homes in this neighborhood were built by my great uncle Charles "Red" Bourland, who was also the mayor of Flagler Beach back in the 80's. I grew up here and I came back to live in my family home because of its appeal. The integrity and character of our neighborhood must be maintained.

I hope that Ray enjoys his pool within the variances already in place. Unbelievably, he received permission to build all the way to his property line. Removal of a height limit would cause permanent, detrimental change to our neighborhood. **We don't want to see a building on the corner of our streets.**

The Commission should respect and uphold the Planning Board's decision.

I have asked Dan O'Connell to speak further on my behalf.

Dawn Harris

[REDACTED]

From: [REDACTED]
To: Planning Dept; Rose Keirnan
Subject: Variance Appeal - 3 Pelican/Royer
Date: Thursday, October 1, 2026 11:20:20 AM

Dear Commissioners,

Last January, when you considered Mr. Royer's appeal, you asked some very important questions. The Public wasn't given the opportunity to respond. It is appropriate to review those questions and answers prior to next Monday's meeting.

Can the pump house be moved to the rear of the property? Yes

Mr. Royer has several options. If he wants a tall pump house, it could be placed at the rear of the property, in line with the back of the existing home. It could be attached to his home or not. A 4' -8' pump house, with smaller footprint, could be placed along the west wall of his house.

At the April Planning Board (PDB) meeting, Royer received a continuance (to August) after **agreeing** to return with a plan to **move the pump house to the rear of his property.**

In August, Royer returned to the Planning Board with no changes to his plan and multiple excuses why he would not move the pump house.

Are these renderings drawn to scale? No

Mr. Royer has testified these are computer-generated renderings and are not to scale. In fact, the renderings of 3 Pelican property and bordering streets are almost unrecognizable from real-life (see photos on pg 1331 of your materials.) The "wooded area" behind the Royer house is substantially cleared.

On the renderings of the pump house, the offset of the roof lines on both structures is misleading and Royer has already changed to a metal roof on the pump house. The offset between roof lines would be even more apparent when roofing materials don't match.

Do the renderings accurately show how close to Mockingbird Lane the pump house will be? No

The amount of green space between the proposed pump house and Mockingbird Lane is greatly exaggerated. The oversized pump house, approximately 30 inches from the property line, will be very close to Mockingbird Lane. The grass slope down to Mockingbird Lane will be covered by a flat, impervious pool deck.

How can the pool filter be cleaned if the height restriction remains?

At the August PDB meeting, testimony revealed that (Royer's contractor) Ortiz Pool Builders promotes an all-weather pool filter that only requires an 18-inch vertical clearance on its website. The filter is made to be outside in the elements. Given its clearance requirements, the filter could easily be placed in a 4-foot-tall pump house. Also, there are many horizontal pool filters which Mr. Royer could incorporate into his project. Any of these options can eliminate the height concerns tied to the pool filter.

How was the 4 feet height condition determined? LDC

The Land Development Code requires a maximum height of 4 feet for a structure acting as a wall or fence in the front yard. In addition, the neighborhood covenants limit fence heights to 4 feet to optimize sightlines and appearances.

Can the equipment fit into a 4 foot high structure? Yes

The equipment can easily fit into a 4-foot-tall structure and be adequately ventilated. PDB members state that fresh air or fans can allow adequate airflow for pumps and heaters. Another option is the use of commercially-available lift hinges which would allow access from the top as well as sides for easy maintenance.

The Planning Board recognized the initial variance requests were extraordinary in the amount of setback relief which Royer was requesting. The PDB was within its rights to add a height condition when granting the numerous variances. In a nod to the Code and neighborhood concerns, they added the height condition. Since then, Mr. Royer has been unwilling to work with the Planning Board to reach a mutually satisfactory outcome.

Variances, when granted, must be the *Minimum Relief Necessary* to alleviate a hardship. Mr. Royer's plans or equipment choices can be modified in numerous ways to work within the previously granted variances. He has workable options to protect pool equipment if he chooses.

I hope you will continue to ask the important questions and request information and input from the staff pertaining to this variance appeal.

Thank you,

Dan O'Connell

Mockingbird Lane