



**MINUTES**  
**COMMUNITY DEVELOPMENT BOARD**  
**JANUARY 9, 2019 AT 6:00 P.M.**  
**COUNCIL CHAMBERS**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

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Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held January 9, 2019 at 6:00 p.m. in the Council Chambers.

**Attendance**

Board members were in attendance:

Christopher Goodin, Chair

Ryan Dill, Vice-chair

Bob Frosio, Member

Diana Kelly, Member

Colin Moore, Member

Aaron Evens, Member

Charley Miller, Alternate Member

William Randolph and Lauren McPhaul alternate member, was in attendance.

The following staff members were present:

Amanda Askew, Deputy City Manager & Community Development Director

Piper Turner, Code Compliance Supervisor

**Call to Order/Roll Call**

Chair Goodin called the meeting to order at 6:00 p.m.

**Ex Parte  
Communication**

Ms. Kelly disclosed that she had spoken with the realtor and neighbors of 823 First St.

**Minutes**

Made by Dill, seconded by Evens.

**MOTION: TO APPROVE THE SEPTEMBER 12 & NOVEMBER 14, 2018 MINUTES AS SUBMITTED.**

**APPROVED BY CONSENSUS**

**MOTION CARRIED**

CDB V19-01  
1501 Third Street  
Robert & Jana  
Stearns

CDB V19-01 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Mr. and Mrs. Robert Stearns for the property known as 1501 Third St (RE #173041-0000) Lot 6 Block 19 of Merimar. The applicants are requesting to vary sections 27-329(2)

and 27-238(4) in order to build a swimming pool.

Mr. Robert Stearns, 1501 Third Street, addressed the board. He stated they would like to build a small swimming pool behind their house. Here is a hot tub now where the new pool will be built.

Mrs. Askew, Deputy City Manager, stated the lot is at the corner of Third and Bowles in R-4 zoning district. Bowles St. is considered the corner side yard. The applicants are requesting to move the pool within 3 feet of the side lot line in lieu of the required 7 feet setback. Section 27-238(4) is to increase the lot coverage to 55.5% which is an existing condition. Having the four houses accessed from the rear rather than individual driveways off of Third Street is much safer. Staff recommends based on the uniqueness of having a rear private alley.

Questions discussion:

The lot has a private easement that serves four properties. The lot size is adequate but the easement reduces the usability. There is an existing spa where the pool will go. The homeowner is excluded from using this area because of the easement. Pool is 9' by 12' and 4 foot deep. There will be no encroachment into the rear access.

Chairperson Goodin opened the floor for public comments.

Mary Frosio, 1830 Nightfall Drive, supported the variance. There will be no encroachment on any privacy. The request makes sense.

There being no further comments, the public hearing was closed.

Made by Evens, seconded by Dill.

**MOTION: TO DO THE FINDING OF FACT.**

**APPROVED BY CONSENSUS.**

**MOTION CARRIED**

#### **STATEMENT OF FACTS**

- 1) *The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.*

Goodin: Property has a driveway in rear of property reducing actual size of yard.

Dill: The access road makes this property unique.

Kelly: Yes, it is unique but does not present a hardship.

Moore: Private driveway creates unique hardship.

Evens: Private alley/shared private property.

Frosio: 15' easement that runs behind the property is unique and exceptional creating the hardship.

Miller: Private drive at back of house is preventing use of the property.

- 2) *The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.*

Goodin: Small pool.

Dill: Will still fit within the current fenced yard.

Kelly: Yes, minimum by state code. Away from foundation.

Moore: Small pool is reasonable use.

Evens: Small, small pool.

Frosio: Cannot meet setbacks because of easement.

Miller: Cannot move closer to the house.

- 3) *The proposed variance would not adversely affect adjacent and nearby properties or the public in general.*

Goodin: Increase value.

Dill: Not an adverse effect.

Kelly: Yes. Could with overflow of runoff.

Moore: No adjustment of existing fence. Will not adversely affect neighbors.

Evens: Will not. No one will see it.

Frosio: Already a hot tub which the pool would replace.

Miller: Adjacent area is driveway parking.

- 4) *The proposed variance will not substantially diminish property values in or alter the essential character of the area surrounding the site.*

Goodin: Enhancing property.

Dill: Does not diminish to property value.

Kelly: No, will not diminish property values.

Moore: Small pool will not diminish values.

Evens: Will not. Same character.

Frosio: Improvement from the hot tub.

Miller: Spa is not visible to adjacent property.

- 5) *The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area of the ULDC.*

Goodin: Unique circumstances due to rear access and in harmony with code.

Dill: Still will be distant from neighbor in rear because of the access road.

Kelly: No, not in harmony.

Moore: Setback to allow pool in harmony with ULDC.

Evens: In harmony. Unique situation.

Frosio: It is in harmony.

Miller: It is.

- 6) *The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.*

Goodin: Unique situation with driveway.

Dill: The design of the rear access road is in the best interest of the community to get the homes driveway off 3<sup>rd</sup> Street. This allows homeowner a best use of minimal backyard.

Kelly: Yes, created by owner.

Moore: Private alley had already been created when owner purchased property.

Evens: Not a special privilege.

Frosio: This was a resale, the current owner did not create it.

Miller: Private drive.

- 7) *Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures.*

Goodin: Unique driveway which is part of owner's lot.

Dill: No, unique to these homes with private access road.

Kelly: Yes, Would create special allowance.

Moore: Unique situation that other properties do not share.

Evens: Would not deny same unique situation to others.

Frosio: No special privilege created.

Miller: Only private drive in region.

**CONCLUSION ON REQUIRED FININGS  
PURSUANT TO SEC. 27-147, ORDINANCE CODE**

Sec. 27-147(1)	Positive	7-0
Sec. 27-147(2)	Positive	7-0
Sec. 27-147(3)	Positive	7-0
Sec. 27-147(4)	Positive	6-1
Sec. 27-147(5)	Positive	6-1
Sec. 27-147(6)	Positive	7-0
Sec. 27-147(7)	Positive	7-0

Made by Evens, seconded by Frosio.

**MOTION: TO APPROVE OF CDB 19-01 AS SUBMITTED.**

Roll Call Vote:

Ayes: 6-Frosio, Dill, Moore, Evens, Miller, Goodin

Noes: 1-Kelly

**MOTION APPROVED AND REQUEST GRANTED.**

CDB V19-02  
823 First Street  
Roger & Jane Park

CDB V19-02 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Mr. and Mrs. Roger Park for the property known as 823 First St (RE #172691-0000) North 50 feet of Lot 1 Block 17 of Neptune. The applicants are requesting to vary sections 27-229-1, 27-238(4) and 27-247(4) in order to construct a 1<sup>st</sup> floor porch addition, 2<sup>nd</sup> floor balconies, roof top deck and enclosed storage.

Rosemary Naughton, Realtor for property owner, stated Mr. Park had passed away and that she would be reading a statement of Mrs. Park's behalf. Recently purchased the home for \$400,000 and would be spending an additional \$250,000 for remodeling. The lot is 50' by 60', the building is 30' by 32' with 630sf on the first floor plus garage and the total building is 1920 square feet.

Mr. Robbie Johnson, JR Atlantic Builders representative for the owners, addressed the board. He stated the property is very small and the owners would like to make the house livable with more space inside and out. The third floor

storage space is 156sf for the air handler. Two balconies will be added to the 2<sup>nd</sup> floor. The rear balcony is 104sf and the front covered balcony is 167sf with a spiral staircase and entry on the ground floor. Part of the existing garage will be used for living space. Would like to completely remove the exterior walls on second floor and put everything back on the same footprint. Was told by staff that if they remove the walls then they would have to build to the current setbacks. This would look similar to a wedding cake and reduce the square footage of the building. Could gut the interior and brace the exterior walls also, it is more expensive to do it this way but is an alternative.

Mrs. Askew, Deputy City Manager, stated the lot is in R-4 zoning district on the southwest corner of First and Twin Place. This is a non-conforming single family due to the lot size, lot coverage, front and rear setbacks. The existing home does not meet the required 15 foot front yard (First St.) setback; with the proposed front addition it would be 7.2 feet from the property line. The proposal is to remove and build a new 2<sup>nd</sup> story balcony 11 feet from the rear property line. The lot coverage will be increase to 68.1% for the existing 62.1%. The proposed addition will increase the floor area ratio to 76.8% plus decks. Staff does not recommend approval of the variances, the additions will exuberate the existing conditions and would give special conditions not afforded to the property owners in the area.

Chairperson Goodin opened the floor for public comments.

Alan Martin, 1113 First St., has a 4 foot deck on half of his house and the board should stay with the code. Property is an eyesore and needs help.

Tim Peterson, 116 Pine St., owns the property to the east of 823 First St. Against the variance for the balcony on the rear of the house. It will result in a loss of privacy and increased noise level for our garage apartment. The proposed east deck would be eye-level and approximately only 15 feet from our bathroom and bedroom windows. Concerned with potential loss of property value, many times elevated decks negatively affect the value of adjacent property values. The property is non-conforming lot with setbacks. The owner knew this when he bought it. We are not opposed to the proposed decking on the front (west) side of the house.

Board discussion:

Member Kelly stated that she had been through the property at least 8 times when it was being listed for sale. It was 1960's. The garage space can be refigured for storage. 400sf of concrete in the rear could be removed to migrate the lot coverage. No one who is directly adjacent to this property has signed the form in supporting the variances.

Chairperson Goodin asked if there was a plan to remove some of the concrete. The driveway could be removed to get down to the 50% lot coverage. 6 foot deep front porch is excessive. The existing stoop is only 4 foot in deep.

Member Evens stated that he was okay with a 4 foot front porch, deleting the rear balcony request and removal of concrete.

Question for the applicant's representatives:

The board asked Ms. Naughton and Mr. Johnson if they would be agreeable to removing the rear balcony request completely, reducing the depth of the front

porch to 4 foot and removing enough concrete to get below the 50% maximum lot coverage?

After discussion between the applicant's representatives and the board it was determined that it would be best to table the application till the March meeting. This will give Mr. Johnson and Mrs. Naughton time to get with Mrs. Park. It is her property and she needs to be involved.

There being no further comments, the public hearing was closed.

Adjournment

Made by Moore, seconded by Frosio.

**MOTION: TO TABLE CDB V19-02 TO THE FEBRUARY MEETING.**

**APPROVED BY CONSENSUS.**

**MOTION CARRIED**

Adjournment

The next board meeting will be February 13, 2019 at 6:00 pm. There being no further business, the meeting adjourned at 7:34 p.m.

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Chairperson Christopher Goodin

ATTEST:

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Piper Turner, Board Secretary