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|  | | | | | **MINUTES**  **COMMUNITY DEVELOPMENT BOARD**  **February 10, 2021, 2020 AT 6:00 P.M.**  **COUNCIL CHAMBERS**  **116 FIRST STREET**  **NEPTUNE BEACH, FLORIDA 32266** | | | | |
|  | | | | | Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held on February 10, 2021 at 6:00 p.m. in the Council Chambers. | | | | |
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| Attendance | | | | | Board members were in attendance:  Christopher Goodin, Chair  Aaron Evens, Member  Charley Miller, Member  W. Jeremy Randolph, Member  Bob Frosio, Member  Nia Livingston, Member  Jonathan Raitti, Alternate Member  Mr. Jafee attended the meeting via the internet. | | | | |  | | |
|  | | | | | The following staff members were present: | | | | |
|  | | | | |  | Zachary Roth, City Attorney  Kristina Wright, Community Development Director  Piper Turner, Code Compliance Supervisor | | | |
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| Call to Order/Roll Call | | | | | Chair Goodin called the meeting to order at 6:00 p.m. | | | | |
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| Disclosure of  ex-parte communications | | | | | Everyone had received emails for the property owner at 809 Davis St and everyone except for Chairperson Goodin had spoken to the property owner. | | | | |
| Swearing In | | | | | The City Attorney asked everyone appearing before the board to raise their hand to be sworn in and to state they have been sworn prior to presenting. | | | | |
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| V21-01 Variance Application for Farino  234 Windswept Circle | | | | | V21-01 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Richard Farino for the property known as 234 Windswept Circle (RE#178077-5012). The request is to vary section 27-238(4) Maximum Lot coverage for the construction of a Florida Room. | | | | |
|  | | | | Kristina Wright, Community Development Director, stated that application V21-01 for 234 Windswept Circle is a request for a variance that seeks relief from Section 27-238(4) maximum lot coverage to construct a Florida Room.  The applicant is requesting to enclose 173.36 sf. of the existing 196 sf. existing concrete pad with a solid roof screen enclosure to create an attached Florida Room. The amount of lot coverage allowed by Code within the R-4 Zoning District is 50% lot coverage. The property currently has 67% of lot coverage. The request is not for additional coverage, but rather permission to enclose the existing concrete pad. The lot area is 4,698.53 sf.  With the impervious surface area being 3,146.47 sf. or 67% lot coverage. With the proposed addition of 173.36 sf. of coverage of the existing 196 sf. concrete pad is already included in the existing lot coverage of 67%. | | | | |
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|  | | | | **Section 27-147 Required Findings Needed to Issue a Variance:**   1. **How does the property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners**). **The hardship cannot be created by or be the result of the property owner’s own action.**   *This request has not been created by the property owner since the concrete pad already exists from an enclosure previously taken down. The applicant plans to reuse the existing concrete, which is in the size and shape of what they would like to build.* | | | | |
|  | | | | 1. **How is the proposed variance the minimum necessary to allow reasonable use of the property?**   *The proposed variance is the minimum necessary to allow reasonable use of the property since the foundation required to properly support the enclosure is already in place. The reuse of the existing concrete is the minimum request necessary to support the intended use of the property.*   1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**   *The proposed variance will not adversely affect adjacent or nearby properties or the public in general since there was an enclosure of the same size for many years.* | | | | |
|  | | | | 1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**   *The proposed variance will not diminish property values nor alter the character of the area since the property is located at the end of a cul-de-sac; therefore, it will be difficult for the neighbors to see the screen enclosure on Windswept Circle. Backdoor neighbors will be able to see it from their periphery; however, this will not adversely affect these properties.* | | | | |
|  | | | | 1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code*.***   *The proposed variance is in harmony with the general intent of the Unified Land Development Code. The concern to help control groundwater runoff will not be impacted as a result of this request due to the reuse of the existing concrete pad, which will not alter or exacerbate the existing conditions.*   1. **Explain how the need for the proposed variance has not been created by you or the developer.**   *The need for the proposed variance has not been created by the applicant since the applicant purchased their 30-year-old home in 2017 with these existing improvements in place.*   1. **Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings, or structures in the same zoning district.**   *The granting of the proposed variance will not confer upon the applicant any special privilege that is denied to others since it is a request to reuse an existing concrete pad, and the basis for the request is for lot coverage and as a result of this proposal the amount of lot coverage will not change.* | | | | |
|  | | | |  |  | | --- | --- | |  | | | Staff recommends approval of application V21-01.  No one representing the property was in attendance. | | | | | | | | | | |
|  | Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed. | | | | | | |
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|  | Board Discussion and questions for Staff: | | | | | | | | | |
|  | What is the required setback for the rear yard? | | | | | | | | | |
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|  | | Ms. Wright explained the property is in the R-4 zoning district and that the front and back are flexible with either one being less than 15 feet. | | | | | | | |
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|  | | Made by Randolph, seconded by Evens. | | | | | | | |
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|  | | |  |  |  |  |  | | --- | --- | --- | --- | --- | | **MOTION:** | | **MOVE TO APPROVE VARIANCE V21-01 FOR 234 WINDSWEPT CIRCLE AS SUBMITTED.** | | | | Roll Call Vote: | | | | Ayes: | 7-Randolph, Evens , Livingston, Frosio, Miller, Raitti, Goodin | | | | | | Noes: | 0 | | |  | | | | | | | | **MOTION APPROVED.** | | | | | | | |  | | | | | | | | | | | |
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The request is to vary Table-27-229-1 for the rear yard setback to build an attached garage on the north side of the existing house. | | | | | | | | | |  | Ms. Wright explained that the applicant is requesting to vary the rear yard setback to construct an attached garage on an irregular, triangular lot that has a 35 ft. front yard setback off Florida Boulevard. The proposed project is a 22 ft. by 53 ft. garage attached to the existing home to minimize visual impacts while and provide adequate access from the existing driveway. Due to the irregular, triangular lot shape and the setback requirements produce a triangular buildable area that restricts the buildable area onsite. The City has received several emails from neighbors supporting Mr. McCue’s variance request.  **Section 27-147 Required Findings Needed to Issue a Variance:**   1. **How does the property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners**). **The hardship cannot be created by or be the result of the property owner’s own action.**   *The shape of the parcel gives large side yard since the property is facing Florida Boulevard. The applicant has +/- 35 ft front yard setback when others only have 25 ft.*   1. **How is the proposed variance the minimum necessary to allow reasonable use of the property? *Minimum Necessary to allow reasonable use of the property:***     *The proposed variance stays in line with the footprint of the home and preserves the view for the surrounding property owners.*   1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**   *The proposed variance will give a finished look to the home and make it look complete. Neighbors are in support of the proposed project that will preserve their views.*   1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**   *The applicant states that the proposed project will add value and will not diminish property values nor alter the character of the area since the proposed addition will be integrated within the look and function of the existing home.*   1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code*.***   *The proposed variance is in harmony with the general intent of the Unified Land Development Code since it maintains the setbacks on three sides and would provide relief from the irregular configuration of the lot and the 35 ft. front yard setback on a triangular lot.*   1. **Explain how the need for the proposed variance has not been created by you or the developer.**   *The need for the proposed variance has not been created by the applicant since due to the irregular size of the triangular lot with the existing 35 ft. front yard setback requirements.*   1. **Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings, or structures in the same zoning district.**   *The granting of the proposed variance will not confer upon the applicant any special privileges denied to other lands, buildings, or structures in the same zoning district since the relief sought is due to the irregular shape of the lot and other areas for a detached garage would not be as feasible, would violate setbacks, and would obstruct views from the surrounding property owners. Further, the applicant states that Code allows for garage/additions and that he is trying to advance community aesthetics by storing and therefore visually screening his boat for maximum curb appeal.* | | | | | | | | | |  |  | | | | | | | | | | |  | Mr. Mitchell McCue, property owner, stated the existing carport was 11 feet by 22 feet. Asking to build a 22 foot by 35-foot garage on the north side of the house for storage of the boat. Garage will be flush with the house so no one see the boat. The garage would have a 9 ft garage door. Would be agreeable to reducing the width to 18 feet leaving a setback of 11.94 feet on the north side.  Chairperson Goodin opened the floor for public comments. There being no further comments the public hearing was closed  Board discussion: | | | | | | | | | | |  | Chairperson Goodin stated that the lot had odd setbacks and that it been a triangle space was unique. | | | | | | | | | | |  |  | | | | | | | | | | |  | |  |  |  |  |  | | --- | --- | --- | --- | --- | | **MOTION:** | | **TO APPROVED VARIANCE REQUEST V21-02 FOR**  **1410 FLORIDA BLVD REDUCING THE REQUEST FROM 22 FEET TO 18 FEET LEAVING A 11.94 FOOT REAR SETBACK.** | | | |  | | |  | | | | Made by Livingston, seconded by Evens. | | | |  | | |  | | | | Roll Call: | | |  | | | | Ayes: | 7-Evens, Miller, Randolph, Livingston, Frosio, Raitti, Goodin | | | | Noes: | 0 | | | | | | | | | | | | | |  |  | | | | | | | | | | |  | **MOTION APPROVED.** | | | | | | | | | | |  |  | | | | | | | | | | |  |  | | | | | | | | | | | V21-03 Variance Application for Wesley & Melissa Kirkland 809 Davis St | V21-03 Application for variance as outlined in Chapter 27 Article III Division of the Unified Land Development Code of Neptune Beach for Wesley & Melissa Kirkland for the property known as 809 Davis Street (RE#17403-0040). The request is to vary Table-27-229-1 for the rear and north side yard to construct an addition attached by a breezeway. | | | | | | | | | | |  | Ms. Wright explained that the applicant is seeking a variance for as outlined in Chapter 27, Article 3, Division 8 of the Unified Land Development Code of Neptune Beach for Wesley and Melissa Kirkland for the property known as 809 Davis Street (PIN: 17403-0040). The request is to vary Table 27-229-1 for the rear and north side yard to construct an addition attached by a breezeway.  The applicant is seeking to construct a garage separated by a 12 ft. breezeway yet attached at the roofline to appear as a contiguous home from an aerial view. The current desired location requires the applicant to seek a variance from the rear and north side yard setbacks. The property is zoned R-1, which requires the following setbacks:   |  |  |  |  | | --- | --- | --- | --- | | R-1 Zoning | Required | Current | Proposed | | Front | 25 | 65.1 | 65.1 | | N. Side | 10 | 8.9 | 8.9 | | S. Side | 10 | 22.2 | 22.2 | | Rear | 30 | >50 | 10 |   Current and proposed setbacks have also been indicated in the table above. As indicated, the proposal will not exacerbate the north side setback; however, the rear setback is being encroached upon. The yard measures 14,395 sf. or approximately 0.33 acres and presents other alternatives for constructing an addition.    **Section 27-147 Required Findings Needed to Issue a Variance:**   1. **How does the property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners**). **The hardship cannot be created by or be the result of the property owner’s own action.**   *The applicants state that they live on a cul-de-sac, which results in a unique placement of the house and also a unique floor plan that creates a scenario where they believe that the only feasible area to add on to the house would be on the northwest corner. Further, the applicants state that even an addition to the house would require a variance if it were built on the northwest side.*   1. **How is the proposed variance the minimum necessary to allow reasonable use of the property?**   *The proposed variance is the minimum necessary to allow reasonable use of the property since the applicants are seeking to create an addition to allow them to work from home. Further, the applicant states that a structure placed elsewhere in the backyard within the confines of the setback requirements would not allow reasonable use of the property.*   1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**   *The proposed variance will not adversely affect adjacent or nearby properties since it will not be viewable by neighbors due to the large tree buffer on the fence line. The proposed addition will result in a 20 ft. encroachment into the rear yard setback and will be one story. The applicants state that adjacent lots 172424-0000 and 173265-0000 both have structures that back up to the proposed area.*   1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**   *The proposed variance will not diminish property values nor alter the character of the area since the proposed structure will not be viewable from the street since it will be directly behind their home. The applicants also state the nearby properties have structures in their backyard and the project proposed within this variance application will be consistent with the look of the area since other homes have structures in the back.*   1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code*.***   *The proposed variance is in harmony with the intent of the ULDC that will allow the applicants to build a small structure in their backyard, like other properties in the area and therefore would not alter the overall character. The proposal will be screened from view as it will be directly behind the applicants’ home. The applicants are seeking to extend the existing roofline so that the addition will look like part of the house.*   1. **Explain how the need for the proposed variance has not been created by you or the developer.**   *The proposed variance has not been created by the applicant or the developer since this request is a result of the need to work from home due to the pandemic. The applicants state that the only other alternative was to use of the children’s rooms; however, the proposal presents the only long-term solution.*   1. **Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.** | | | | | | | | | | |  | *The granting of the proposed variance will not confer upon the applicants any special privileges denied by the Code to other lands, buildings, or structures in the same zoning district since the applicants state that they would not ask for a variance if it were not for this hardship. Further, the applicants state that their goal is to maintain the integrity of their property and the area with this improvement that will integrate within the overall look and function of the existing home.* | | | | | | | | | | |  | Staff recommends denial of application V21-03 809 Davis Street since other onsite attached, semi-attached, or detached alternatives exist that will not require a variance. | | | | | | | | | | |  |  | | | | | | | | | | |  | Mr. Kirkland, property owner, stated they had no intensions of building a garage. Due to the pandemic his wife had to start working from home, using the one of the children’s bedrooms as an office. She will not be going back into an office setting in the future. They tried to keep the neighbor’s privacy in mind. There is a bird sanctuary to the north. If the addition was a detached building then there would have to be a driveway which would increase lot coverage.  Questions from the board for Mr. Kirkland:  Would a smaller building work for you? Yes.  What would it be used for in the future? It would be 2 rooms, 1 as an office and the other as a playroom for the kids with a bathroom.  Why did you decide on a 12-foot breezeway separation? It would give us 10 feet from the existing window.  Would you have to go outside of the house to access the new breezeway and building? Yes, there will not be a door from the house directly to the breezeway. The room closest to the breezeway is a child’s bedroom.  How wide will the breezeway be? It is a 12 feet by 21 feet covered porch that will connect the house to the new building.  Chairperson Goodin opened the floor for public comments.  Scott Wiley, 723 Davis St., addressed the board. He stated he had walked the property and the request seems responsible. This is the best location for the project. No issues with the request.  Todd Bosco, 135 Cherry St, contractor stated the lot was irregular and that there were no lot coverage issues. The original house placement is not the best. The covered porch could be used for BBQ. The design will match the existing house. | | | | | | | | |  | There being no further comments the public hearing was closed | | | | | | | | | | |  |  | | | | | | | | | | |  | The board discussed the placement and asked the property owner if would be willing to move the breezeway closer to the house in order to leave a greater rear yard setback on the west side. The additional 5 feet would give the adjoining neighbor more open space. This would make the rear of the building 15 feet off of the property line. The owner stated they would be agreeable to that. | | | | | | | | | | |  |  | | | | | | | | | | |  | |  |  |  |  |  | | --- | --- | --- | --- | --- | | **MOTION:** | | **TO APPROVED VARIANCE REQUEST V21-03 FOR 809 DAVIS STREET WITH THE STIPULATION THAT THE REAR SETBACK SHALL BE OF 15 FEET.** | | | |  | | |  | | | | Made by Evens, seconded by Randolph. | | | |  | | |  | | | | Roll Call: | | |  | | | | Ayes: | 4-Evens, Randolph, Frosio, Raitti, | | | | Noes: | 3- Miller, Livingston, Goodin | | | | | | | | | | | | | |  |  | | | | | | | | | | |  |  | | | | | | | | | | |  |  | | | | | | | | | | |  | |  | | --- | | **MOTION APPROVED.** | |  | | | | | | | | | | | |  |  | | | | | | | | | | | Open Discussion | The next board meeting will April 14, 2021 at 6:00 pm. | | | | | | | | | | |  |  | | | | | | | | | | | Adjournment | | There being no further business, the meeting adjourned at 7:52 p.m. | | | | | |  |  | | | |  | | | | | | | |  | | |  | | |  | | |  | | |  | Chairperson Christopher Goodin | | | | | | | | |  | | | ATTEST:  Piper Turner, Board Secretary | | |  | | |  | | |  | | |  | | | | |  | | | | | | | | | | | | | | |