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|  | **MINUTES****COMMUNITY DEVELOPMENT BOARD****July 14, 2021 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 July 14, 2021 at 6:00 p.m. in the Council Chambers. |
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| Attendance | Board members were in attendance: Christopher Goodin, Chair Nia Livingston, Vice ChairCharles Miller, MemberW. Jeremy Randolph, MemberBob Frosio, MemberJonathan Raitti, Alternate MemberGreg Schwartzenberger, Alternate Member |
|  | The following staff members were present:Zach Roth, City Attorney |
|  |  | Kristina Wright, Community Development DirectorPiper Turner, Code Compliance Supervisor |
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| Call to Order/Roll Call | Chairperson Gooding called the meeting to order at 6:00 p.m.  |
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| Minutes | Made by Raitti, seconded by Schwartzenberger. |
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|  **MOTION:** | **TO APPROVE MAY 12, 2021 MINUTES AS SUBMITTED.**  |
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|  Roll Call Vote: |
|  Ayes: |  7-Frosio, Randolph, Schwartzenberger, Miller, Raitti, Livingston, Goodin |
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| Noes: |

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| **MOTION CARRIED** |

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| Ex Parte Communications  | Board member Frosio stated that he had spoken to the applicants for 510 Pine. Members Randolph, Raitti and Livingston disclosed that they had received emails concerning 510 Pine Street.  |
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| V21-081107 Kings RdFront setback | V21-08 Application for variance as outlined in Chapter 27, Article III Division 8 of the Unified Land Development Code of Neptune Beach for Justin Ebert and Lynne Taplin for the property known as 1107 Kings Road (RE#178958-0196). The request is to vary section 27-231(a) and Table 27-229-1 Front yard setbacks for the construction of an enclosed front porch and closet addition.  |
|  | Kristina Wright stated the applicant is seeking a variance request to encroach approximately six (6) ft. for the covered entry porch and four (4) feet for the small walk-in closet into the required front yard setback of 25 feet. More specifically, per Section 27-234 Measurement of minimum required yard setback states the following:**Property Analysis Chart*** Front yard setbacks shall be measured from the front of the building, excluding steps, to the front of the lot.
* Side yard setbacks shall be measured from the side of the building, excluding steps, to the adjoining lot line.
* Rear yard setbacks shall be measured from the rear of the building, excluding steps and unenclosed porches and decks with the deck floor less than thirty (30) inches above grade, to the rear lot line.

As such, the front yard setback does not exclude the intrusion of the six (6) foot unenclosed porch as does the rear yard setback so the variance is addressing both the six (6) foot intrusion of the unenclosed front entry porch as well as the intrusion of the closet four (4) feet into the front yard setback.

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| **R-1 Setbacks** | **Required** | **Existing or Proposed** |
| Front | 25’ | 19’ (porch); 21’ (closet) |
| Rear | 30’ | 60’ (existing); 38’ 10” proposed |
| North Side | 10’ | 10.7’ (existing) |
| Side  | 10’ | 9.9’ (existing) |
| Lot coverage  | 50% | 48.9% (existing) and 49.9% (proposed) |

**Impervious Calculations**

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| Lot Size= 10,523.10 sf |  |
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| Impervious Areas: |  |
| Existing House  | 2158.12 |
| A/C Addition | 419.00 |
| Covered Patio | 182.22 |
| Pool and Deck | 1740.35 |
| Driveway | 478.80 |
| Sidewalk | 66.60 |
| Existing Shed | 96.00 |
| Total | 5,141.10= (48.9% lot coverage) |
| New Porch and Closet | 108.00 |

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|  |  **Section 27-147: Required Findings Needed to Issue a Variance**The Applicant indicates in a written narrative: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 applicant indicates that the hardship exists because of the limited areas for expansion to accommodate a growing family. The applicant states that the existing house is located approximately 10 feet from the side property lines so there is no room for expansion in those directions. Further, the applicant states that the house is constructed 1.6 feet behind the front yard setback of 25 feet, so there is no room for the addition and covered entrance without being granted a variance. The location of the existing pool limits the available space for a needed addition in the rear yard but is accommodated with the proposed design. However, staff contends that the existing code was in place at the time of purchase of the home and all properties fall under the parameters of the existing code and the proposal does not indicate the property having unique or peculiar circumstances or an exceptional or unique hardship.* 1. **How is the proposed variance the minimum necessary to allow reasonable use of the property?**

*The applicant states that the proposed variance is the minimum necessary to allow reasonable use of the property since the addition of the closet is necessary to enlarge the living room, and the combination of the new unenclosed front porch and the walk-in closet will break up the front façade, creating more visual interest from the street. However, staff contends that the reasonable use of the property has not otherwise been restricted.* 1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**

*The applicant states that the variance would not adversely affect adjacent properties or the public in general since it would enhance the neighborhood and satisfy the owners’ needs, while also improving the appearance of the street-front elevation.*1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**

*The applicant states that the proposed variance will enhance the surrounding properties by demonstrating the owner’s commitment to upgrading the existing house as their long-term residence. The expansions and enhancements will raise the value of their house and adjoining property values. The new additions would not alter the character of their neighborhood adversely but, instead, improve it.* 1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.**

*The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the neighboring properties. However, staff contends that the request is not in harmony with the ULDC since the front setbacks are not being upheld in the proposal.* 1. **Explain how the need for the proposed variance has not been created by the applicant or the developer.**

*The applicant states that the need for the variance is not created by the action of the property owner nor the result of mere disregard for the provisions from which relief is sought. Further, the applicant states that the need to enlarge the home is to accommodate a growing family, enhance the livability and increase the home’s value and those of surrounding properties. However, staff contends that the addition that encroaches into the front yard setback requirements is being created by the applicant.* 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 applicant states that no special privileges will be granted to the applicants by granting this variance, and the right-of-way for Kings Road is 80 feet so the distance from the edge of the road to the new closet addition will be approximately 49 feet. The additions of the closet and the porch will enhance the street view of the house. However, while the façade protrusions may create additional visual interest this request is seeking special privileges that is denied to other lands, buildings, or structures in the same zoning district.* **Staff Recommendation:**Staff recommends denial of V21-08 for 1107 Kings Road. |
|  | William Ebert, Architect, representing the property owners, stated the design is asking to encroach into the setback to enlarge the living space for a closet. Currently the only covered area is the eaves of the roof. Adding an enclosed area to the house will give a way to enter the house during bad weather. The porch will be on grade with a roof but no walls This will add an appealing feature to the look of the house. Justin Ebert and Laura Taplin, property owners, stated they purchased the home prior to having children. The expansion would give the bedroom a closet. Where the front door is not, the wall be removed. The house was built right up to the front setback.  |
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|  | Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

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|  | Board Discussion: There is no cover now. Only asking to build a closet which is the minimal. The right-of-way is larger normal. This request could be put off until the new code is written.  |
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|  | Made by Frosio , seconded by Schwartzenberger .  |
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| **MOTION:** | **TO APPROVE REQUEST V21-08 FOR 1107 KINGS ROAD.** |
| Roll Call Vote: |
| Ayes: |  4-Frosio, Randolph, Schwartzenberger, Raitti  |
| Noes: |  3-Miller, Livingston, Goodin |
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| **MOTION APPROVED.**  |
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Applicant was informed their request has been approved and there is a 30-day appeal period.

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| V21-09510 PineSide setback | V21-09 Application for variance as outlined in Chapter 27, Article III Division 8 of the Unified Land Development Code of Neptune Beach for Gordon and Amanda Stasak for the property known as 510 Pine Street (RE#172495-0000). The request is to vary section 27-232 and Table 27-229-1 Side yard setbacks for the construction of an addition.  |
|  | Kristina Wright stated the variance request is to allow for the construction of a new addition that, due to the irregular lot shape, will have a triangular protrusion into the east side yard setback that will result in a 6.61 setback in the northeast corner, which measures 1.4 ft. by 3.5 ft. This is the specific focus of the variance request since the east side yard setback for the remainder of the property meets the standard of the code that requires either 10% of the lot width or a minimum of 7 feet. In this instance, a minimum 8 ft. setback is required for the property due to the 80 ft. lot width in the front. The property is located within the R-2 Zoning district with the following requirements:

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| **R-2 Setbacks** | **Required** | **Proposed** | **Difference** |
| Front | 20 | 25.04 | n/a |
| Rear | 25 | 25.2 | n/a |
| East Side | 10% of lot width/minimum of 7 ft. | (8 required; 6.61 ft) | 1.39 ft. |
| West Side  | 10% of lot width/minimum 7 ft. | 8 required; 8 maintained | n/a |

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|  | The Applicant indicates in a written narrative: |
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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.**

*The applicant indicates that the property has unique and peculiar circumstances that create an exceptional and unique hardship since the Northeast property line is angled reducing setback on east side of property. This has not been created by the property owner. However, staff contends that the addition could be reduced to eliminate the need for a variance of approximately 1.39 ft.* 1. **How is the proposed variance the minimum necessary to allow reasonable use of the property?**

*The applicant indicates that the proposed variance is the minimum necessary to allow the reasonable use of the property since the Master bedroom addition at the Northeast corner protrudes into the east side yard setback by 1.39 ft; however, staff contends that the reduction by 1.39 ft. would eliminate the need for a variance*1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**

*The applicant indicates that the protrusion into the east side yard setback will not adversely affect adjacent or nearby properties or the public in general and has included an aerial view of neighboring lots to demonstrate harmony.*1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**

*According to the applicant, approving the variance will allow new renovation, will add property values, and improve the character of the neighborhood. The applicant is seeking to preserve the history and architectural style of our neighborhood by staying with a single-story coastal ranch style renovation in lieu of adding a second story.*1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.**

*The applicant indicates that they are within all building setbacks except for the variance of 1.39 feet and emphasizes that they are well under the lot coverage of 50%.* 1. **Explain how the need for the proposed variance has not been created by the applicant or the developer.**

*The applicant indicates that the need for the proposed variance has not been created by the applicant since it is the configuration of the lot, that creates a setback issue at the northeast corner for the proposed addition.* 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 applicant indicates that 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 applicant’s proposal is within rear and side setbacks with the exception of 1.39 feet due to the configuration of the lot. Staff concurs that the lot has an irregular shape; however, by reducing the addition by 1.39 feet, the need for a variance would be eliminated.*  |
|  | **Staff Recommendation:**Staff recommends denial of application V21-09 for 510 Pine Street. |
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|  | Gordon Stasak, property owner, stated there was an existing pool in the back yard which prevented them from adding on into the rear yard. The master bedroom is only 13 feet wide and 16 inches to walk around the bed. The lot is an irregular shape and slants to the west. The property line backs up to 836 Fourth Street and at that point the lot angles to the west. The alternative would be to add a second story and variance would not be needed to gain extra space. The neighborhood consists of mostly one-story ranch style homes and would be out of character. This is not the look we prefer.  |
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| Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

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| Board Discussion: Would hate to see going to a second story just to stick with the code. It would destroy the neighborhood. Can see both sides. A weird angle. To cut the room to fit the setback would create a strange look and limit the functionality of the room.  |

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|  | Made by Randolph, seconded by Frosio. |
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|  | **MOTION:**  | **TO RECOMMEND APPROVAL V21-09 FOR 510 PINE STREET.** |
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|  | Roll Call:  |
|  | Ayes: | 6-Randolph, Frosio, Raitti Schwartzenberger, Livingston, Goodin |
|  | Noes: | 1-Miller  |
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|  | **MOTION APPROVED.** |
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| Adjournment | There being no further business, the meeting adjourned at 6:50 p.m. |
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|  |  |  Christopher Goodin , Chairperson |
|  | ATTEST: Piper Turner, Board Secretary |  |

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