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|  | | | | | **MINUTES**  **COMMUNITY DEVELOPMENT BOARD**  **July 8, 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 hybrid meeting on July 8, 2020 at 6:00 p.m. in the Council Chambers and via the internet. | | | | |
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| Attendance | | | | | Board members were in attendance:  Christopher Goodin, Chair (via web)  Aaron Evens, Member  W. Jeremy Randolph, Member  Bob Frosio, Member  Nia Livingston, Member | | | | |  | |
|  | | | | | The following staff members were present:  Stefan Wynn, City Manager | | | | |
|  | | | | |  | 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 6:05 p.m. and stated that that | | | | |
|  | | | | | V20-01 for the former Lucky’s Market has requested to delay their application to the August meeting. | | | | |
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| Disclosure of  ex-parte communications | | | | | Mr. Randolph and Mr. Frosio stated they had walked the property at 109 North St. Chairperson Goodin and Mrs. Livingston both had stated the owner of 109 North St had reached out to them but never met with them. | | | | |
| Minutes | | | | | Made by Frosio, seconded by Evens. | | | | |
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|  | | | | | |  |  | | --- | --- | | **MOTION:** | **TO APPROVE THE FEBRUARY 12, MARCH 11 AND JUNE 10, 2020 MINUTES AS SUBMITTED.** | |  | | | | |  |  |  |  |  | | --- | --- | --- | --- | --- | | Roll Call Vote: | | | | | | Ayes: | | 5-Evens, Randolph, Livingston, Frosio, Goodin | | | |  | | --- | | Noes: | | 0 | | | | | |  | | | | **MOTION CARRIED** | | | | | | | |
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|  | | | | | Mr. Roth asked anyone appearing before the board to raise their right hand to be sworn in. | | | | |
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| V20-02 O’Grady  Variance Application for  2132 Acacia Rd | | | | | V20-02 Application for variance as outlined in Chapter 27, Article 8 of the Unified Land Development Code of Neptune Beach for Patrick and Amy O’Grady for the property known as 2132 Acacia Road (RE#173389-0000). The request is to vary section 27-238(2) Maximum Lot coverage for the construction of a swimming pool and decking. | | | | |
|  | | | | Kristina Wright, Community Development Director, application V20-02 for 2132 Acacia Road is a request to vary section 27-238(2) regarding maximum lot coverage for the construction of a swimming pool and decking. The request is to increase the allowed lot coverage by 8.93% in order to construct a new in-ground swimming pool for hydrotherapy. Evidence of nonconformity prior to the purchase of the home and evidence of an existing medical hardship has been provided. The subject parcel is just east of Marsh Point Road and the north side of Acacia Road. A diagram of the proposed pool for hydrotherapy located in the rear yard was show. In terms of the required findings needed to issue the variance in section27-147, the applicant demonstrates hardship as indicated due to the pre-existing lot coverage, which prevent the applicant from adding an inground pool for therapy without a variance. Documentation of a medical hardship has been provided and the need for Hydrotherapy has been explained.  In summary, the existing conditions of the property have resulted in a hardship that has required the applicant to seek a variance to allow for an additional 8.93% of lot coverage to allow for a pool to provide for their medical needs.  Safety a minimum specifications are the justification utilized within these requests for the 8.9% increase a lot coverage to allow for hydrotherapy pool in terms of how the proposed variance will not adversely affect the adjacent property owners in general, the applicant asserts that the adjacent property will not be affected as an example is being designed to allow adequate drainage throughout the remainder of the property.  In terms of the proposed variance will not diminished, property values or the character of the area. The applicant indicates that the inground pool will not alter the character of the area as it is not visible unless you were on the applicant's property. The proposed design should add taxable value to the property.  In terms of the proposed variances, being in harmony with the general intent of Unified Land Development Code, the applicant state that, they believe that this variance is in harmony. Since it does not reduce the quality of life of the residents and visitors of Neptune Beach. In addition, the request promotes the health and safety current resident.  In terms of explaining how the need for the proposed variance has not been created by the applicant, the applicant indicates that they are not the original owners of the property. There were a number of improvements that have been made and they do not have any say in the original construction or layout of the building’s floor plan. As such, the need for the proposed variance has not been created by the applicant.  In terms of the proposed variance will not conferring any special privileges that, would be denied to other lands building structure in the district. After reviewing land uses found that there are several properties have used more lot coverage than they are requesting. And they feel that if the properties were allowed their coverage of the ground pool that they should be afforded the privilege. Ground pool is a common privilege. Many homeowners enjoy, in addition of a medical hardship adds further need to this request. An increase in an 8.93% of a lot coverage due to the preexisting conditions of the property at the time of purchase do not convey unusual privilege.  Staff recommends approval of application V20-02 for 2132 Acacia Road since the application has met the requirement at 2747 for the required findings needed to issue a variance that also supports a medical hardship.  Questions for the board for Community Development Director:  How many square feet is it? 675 | | | | |
| Swearing in | | | | Mr. Roth asked anyone appearing before the board to raise their right hand to be sworn in. | | | | |
|  | | | |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | | | | | | Mr. O’Grady and Mrs. O’Grady , property owners, addressed the board via the internet. We decided that we wanted a pool for therapy because of safety issues. Without having facilities available especially in our current environment having a pool available at our home is the best option. | | | | |  | | | | | Question from the board for the applicant:  Are you removing any impervious surface from the driveway? We are not, the survey doesn’t give us credit for our permeable pavers that we already have on the property . We did not install them ourselves, so we weren’t able to have them tested. Removing pavement would hinder the safety which is the main reason for applying for the variance. | | | | | |  | | | | | Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed. | | | | | | | | | | |
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|  | | Made by Randolph, seconded by Livingston. | | | | | | | |
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|  | | |  |  |  |  | | --- | --- | --- | --- | | **MOTION:** | | **MOVE TO APPROVE APPLICATION V20-02 FOR 2132 ACACIA ROAD SINCE THE APPLICATION HAS MET THE REQUIREMENTS OF 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE THAT ALSO SUPPORTS THIS MEDICAL HARDSHIP.** | | |  | | | | | | | | Roll Call Vote: | | | | Ayes: | 4- Randolph, Livingston, Frosio, Goodin | | | | | | Noes: | 1- Evens | | |  | | | | | | | | **MOTION APPROVED AND VARIANCE REQUEST GRANTED.** | | | | | | | |  | | | | | | | | | | |
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The request is to vary section Table-27-229-1 for the front and east side yard and increase the floor area ratio to construct a 2nd story deck, enclose the carport and 2nd floor porch for living space. | | | | | | |  | Kristina Wright, Community Development Director, the property is located on the south side of North Street just north of Florida Blvd and east of First Street. Per section 27-328(2)(d) enclosing a carport is permissible if it is consistent in character with the main building. The carport is intergraded into the main building. It is also consistent with the primary structure providing additional air- conditioned space and improving the overall structural appearance. The request is to enclose the second story porch for traditional air-conditioned space and to construct second story deck that project into the front yard setback. These requests are being made due to insufficient, pre-existing side setback and projection into the front yard setback.  The original request is to construct a deck that projects 16 feet on the east and 11.8 feet on the west side due to the offset of the front façade. Since the rear setback exceeds 35 feet, the front yard is only required to remain the greater of 15 feet, currently the front yard setback is 19.8 feet featuring an extra 4.88 feet but the code allows and additional four-foot projection into the front yard. So, this would allow a total of 8.8 feet on the east side of the property and the west side of the property has a setback of 15.3, which would allow .3 feet in excess and the 4-foot projection allowable by for a total of 4.3 feet.  As for the required findings needed to issue a variance per section 27-147, the applicant demonstrates hardship since the property was built in 1937 and features homes near the street. They are seeking to improve the overall structural quality and appearance and not seeking to exacerbate a non-conformity. The request is to project the balcony into the front yard, tis to mediate the contextual difference of having surrounding home situated closely to the street. These hardships are unique to the property and area not being created by the property owner.  In term of how the variance is the minimum necessary to allow a reasonable property use, with the exception of the front the request is to enclose the carport and the 2nd story on the rear of the structure which are all contained within the original footprint.  The proposed will not adversely affect the adjacent or nearby properties or the public in general, if the projection of the front deck is modified in keeping with the intent of the Code. That would allow the four-foot projection into the front yard, if this is maintained it will prevent the obstruction of any view from surrounding neighbors. The result would be 8.8 feet and 4.3 feet projection into the front yard.  It will not diminish property values or alter the character of the area. The character since the enclosure of the carport and 2nd story rear porch will increase the structural appearance and functionality of the space and maintain the overall character . The addition of the balcony will enhance the view of the property owner and will likely also increase the value of the property.  How the proposed variance is in harmony with the general intent of the code. The code encourages improvements that are consistent with the main building and as long that the projections of the balcony does not exceed 4 feet into the 15-foot required front yard setback, the requirements of the Code will be followed.  The proposed variance has not been created by the applicant since the house was built in 1937. As such, the conditions are existing and all modifications are consistent with the intent of the Code, except for the projection of the balcony.  Staff recommends approval with conditions of application V20-03 for 109 North Street. The conditions of approval recommend as follows:  “Projection of he balcony four (4) feet into the front yard and projection no greater than 4.3 feet on the west side and up to 8.8 feet maximum on the east side to maintain consistency with the intent of the Code and to preserve the oceanfront views of all residents as best as possible.” | | | | | | |  |  | | | | | | |  | |  | | --- | | Mrs. Monti, property owner, and Mr. Russell Fisette, contractor, addressed the board in person. Passed out pictures of the property to the board. | |  | | | | Mrs. Monti stated that they had purchased the house a couple of weeks ago and looking to do renovation for the front. The house was purchased for the ocean and we are looking at what can we do to actually create a deck. My builder and I went out and actually measured and realized what we originally asked would definitely impact our next-door neighbor. So, this new plan is to reduce the amount to 16. It would be 12 feet on the west side that would be an addition of 7.8 feet. The decking is also parking cover. The reason for the hardship as was explained, that our house setback 16 feet from the house on the west side.  Mr. Fisette, contractor, the house does set back quite a bit from the left and right neighbors. The Code allows for a 4-foot deck without a variance. The house to the east is a large beach home that blocks the view of the ocean in that direction so we really wanted to get a partial view of the ocean. That is why we have brought you a plan for 12 feet. The house to the east is 13 feet out so we’re asking for 12 feet on that side and the home on the west side is 16 feet out from our structure. We will still be four-foot behind that structure. There will be handrails that you will still be able to see through.  The bottom floor is very low, it is 6.5 feet. We are going to actually take the roof off and raise the lower floor and the second story. It will be a little higher than what there now. We are going to have a new floor and truss system which is 16 inches as opposed to what is there now. | | | |  | | | | Chairperson Goodin opened the floor for public comments.  Janice Jefferies, 111 North Street, addressed the board. We have lived in our house since 1982 and it was built in 1932. The variance is for deck but I can’t help that their house sets back and ours was set forward. We purchased our house in 1982 for the ocean view that it had. We spoke to Mrs. Monti and she told me it would be a small project adding that they were sensitive to our view. That it would be 8 to 10 feet on the west side and 16 feet on the other side. 8 to 10 foot on the west side would completely obstruct our ocean view. Losing the view would withdraw the value of our home. It would increase her view while completely eliminating ours. We are asking for everybody to follow the rules. A larger deck on the other side about the garage and carport would not impede our view. Please consider voting no on the application or adjusting the size of the deck to a reasonable foot on the west side. | | | Bryan McDonald, 107 North Street, stated it seems there is a break down of communication here between two neighbors. I would recommend that you approve it. Not the way it is now, we just need to get together with the both homeowners to come up with a plan to make both happy. Even if that means tabling it and bringing it back at later. | | |  | | | There being no additional comments, the public hearing was closed. | | | Board discussion and comments:  Just for clarification, the Code compliant amount is 4.3’ on one side and 8.8’ on the other, the original request was at 16’ on one side and 11.8’ on the other? | | | | | | | | | | | |  | Made by Frosio, seconded by Randolph . | | | | | | |  |  | | | | | | |  | |  |  | | --- | --- | | **MOTION:** | **MOVE TO APPROVE WITH CONDITIONS APPLICATION V20-03 FOR 109 NORTH STREET. CONDITIONS OF APPROVAL RECOMMENDED AS FOLLOWS:**  **PROJECTION OF THE BALCONY FOUR (4) FEET INTO THE FRONT YARD AND PROJECTIONS NO GREATER THAN 4.3 FEET ON THE WEST SIDE AND UP TO 12 FEET MAXIMUM ON THE EAST SIDE TO BEST MAINTAIN CONSISTENCY WITH THE INTENT OF THE CODE AND TO PRESERVE THE OCEANFRONT VIEWS OF ALL RESIDENTS AS BEST AS POSSIBLE.** | |  |  | | | | | | | | |  |  | | --- | --- | |  |  | |  |  | |  |  |   V20-04  Gregory  Variance Application  404 Sanibel  Court | |  |  |  |  | | --- | --- | --- | --- | |  | | **MOTION APPROVED AND VARIANCE REQUEST GRANTED AS MODIFIED.** | | |  | |  | | |  | | The applicants were informed their variance was granted and that there is a 30-day waiting period before they can apply for a building permit. | | |  | |  | | |  | V20-04 Application for variance as outlined in Chapter 27, Article 8 of the Unified Land Development Code of Neptune Beach for Janice Gregory for the property known as 404 Sanibel Court (RE#172403-2280). The request is to vary section 27-328(a)(2) to construct a storage shed closer than 3 feet to the property line and less than 10 feet from the principle structure.  Kristina Wright, Community Development Director, this request involves the applications request to reduce the distance from both the distance from the house and property line for the installation of a shed. The approval would allow a shift of one foot from the privacy fence instead of the required 3 feet and 8 feet from the applicant’s home instead of the 10 feet requirement due to the confirmation of the side and rear yards on the property The total distance from the house to the property line is 18.6’ and the manufactured shed is 18 feet deep. | | |  | In terms of the required findings needed to issue a variance section 27-147 a hardship has been demonstrated as a lot configuration. The narrowness of the property and rear slope and the desire to preserve the lakeview for all residents. | | | | | | | | | | | | |  |  | | | | | | |  | Made by Evens, seconded by Frosio. | | | | | | |  |  | | | | | | | |  |  | | --- | --- | |  |  | | |  |  |  | | --- | --- | --- | | **MOTION:** | | **MOVE TO APPROVE APPLICATION V20-04 404 SANIBEL COURT DUE TO THE ACHIEVEMENT OF THE CRITERIA WITHIN SECTION 27-147: REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE.** | | **MOTION APPROVED AND VARIANCE REQUEST GRANTED .** | | | | | |  |   The applicants were informed their variance was granted and that there is a 30-day waiting period before they can apply for a building permit. | | | | | | | Adjournment | | The next board meeting will be August 12, 2020 at 6:00 pm. There being no further business, the meeting adjourned at 7:30 p.m. | | | | | | |  |  | | | |  | | |  | | |  | | |  | | | |  | | |  | Chairperson Christopher Goodin | | | | | | | | |  | | | ATTEST:  Piper Turner, Board Secretary | | |  | | | |  | | |  | | |  | | | | | |  | | | | | | | | | | | | | |