



MINUTES
COMMUNITY DEVELOPMENT BOARD
FEBRUARY 13, 2019 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 February 13, 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
Nia Livingstone, Member

William Randolph, Charley Miller and Lauren McPhaul alternate member, were in attendance.

The following staff members were present:

Amanda Askew, Deputy City Manager & Community Development Director
Catherine Ponson, City Clerk

Call to Order/Roll Call

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

Minutes

Made by Evens, seconded by Kelly.

MOTION: TO APPROVE THE JANUARY 9, 2019 MINUTES AS SUBMITTED.

APPROVED BY CONSENSUS

MOTION CARRIED

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 and 27-247(4) in order to construct a 1st floor porch addition, 2nd floor balcony, roof top deck and enclosed storage. This

application was tabled at the January 9th meeting.

Mr. Robbie Johnson, JR Atlantic Builders representative for the owners, addressed the board. He stated the third floor storage space had been reconfigured to accommodate the air handler and water heater to be accessed from the east, the rest of it would be attic space and accessed through a scuttle house inside of the house. Rear balcony previously requested has been removed. There is currently 620 square feet of concrete and will remove 360 square feet to get to the 50% maximum lot coverage.

Mrs. Askew, Deputy City Manager, stated the application has been revised to comply with the 50% maximum lot coverage requirement. The property is located at the corner of First Street and Twin Place. The application had been tabled at the January meeting. Request one is a variance of 7.8 feet to the minimum front yard setback leaving 7.2 feet in lieu of the required 15 feet to add a covered front porch, second story covered balcony with a spiral staircase leading to a roof top deck and 12' by 12' storage/attic addition. Request two is to increase the maximum floor area ratio (FAR) to 75.6% in lieu of the maximum of 65% with addition 4% or 120 square feet for porches. Maximum allowable is 2070 square feet with a proposal of 2388 square feet.

Chairperson Goodin opened the floor for public comments.

Tim Peterson, 116 Pine St., owns the property to the east of 823 First St. stated the application was incomplete. The roof top deck will be a party deck located within feet of windows. Applicant didn't support a burden of proof. Current property is eyesore with overgrown weeds and grass. The neighbors to the north, south and east oppose this variance.

Debbie Peterson, 116 Pine St., not acceptable application, does not address changes or hardship. Can renovate existing home, glad they have removed rear balcony. Roof top deck creates a fish bowl effect. On a 50 foot by 60 foot nonconforming lot, go by codes and guidelines that the City has set. This is want not a real hardship.

Jane Park, property owner, stated she designed a house with a flat roof and was not a party deck. Storage area is a mechanical closet, thought variance request was only for front porch. Porch allows her to enjoy the front of the house.

Rosemary Naughton, 516 First St and realtor, sold the house to Mrs. Park and understood it was nonconforming. They eliminated storage area. The porch and balcony not a need but a request, a place to enjoy First Street. Intent of the change in the roof to raise the inside ceiling height. The spiral case would be used to access the mechanical equipment. There is an oversize 2 car garage in the house and will be changing a portion of the garage as living space.

Ms. Naughton read a letter from John Weldon, 108 St: Owner of 823 First Street is trying to secure the highest and best use of the property. There is no outdoor living space. Believes it is within the scope of the code.

Tim Peterson, 116 Pine St, stated that the owner has never moved in to the house, we don't know if it could be used as a rental and it will be turned into a party deck. We don't know what is going to happen with the deck in the future.

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

Board questions and comments:

The board asked Mrs. Askew to explain how the Floor area ratio is calculated. It is calculated on the gross square footage regardless if it is heated or cooled from exterior wall to exterior wall. You look at each floor. The survey shows the structure is 30' by 32' is 960 times 2 for a total of 1920 square feet plus the proposed first and 2nd floor porch and the attic space counts as part of the gross floor area. For a total of 75.6% floor area ratio, the existing house is at 64%.

Member Kelly asked if the builder asking to remove the existing the second story completely and then rebuild it back in the same footprint. Yes that is the request. To remove the second floor completely and rebuild it, then the new second floor would have to be built today's code. The roof storage will be 144 square feet? Roughly 144 square feet. The only access to the attic storage will be through the second story ceiling, the mechanical equipment has a door access from the roof. Could a door be cut through the wall to access the attic and mechanical equipment? Yes that could happen. The current stoop is 4 foot deep and the new porch will be 6 foot deep and almost the length of the house.

Chairperson Goodin expressed concern about runoff from the front porch pouring onto the sidewalk. The builder stated that there would be no additional roof overhang. The addition to the roof would add an architectural feature.

Member Livingston stated that the objective of the code is to get non-conforming properties into conformity.

Member Frosio asked the builder what the cost difference would be between removing the second floor versus completing demolishing it and rebuilding. It is more construction time to brace the old walls, raising the roof and approximately \$10000.

Board Discussion:

The board discussed placing a condition on each of the request that the lot coverage must be reduced to not exceed 50%. The board would doing the finding of facts and vote on each request separately.

Made by Dill, seconded by Evens.

MOTION: TO DO THE FINDING OF FACT FOR CDB 19-02 PART A AND B WITH A CONDITIONS ON BOTH THAT MAXIMUM LOT COVERAGE SHALL NOT EXCEED 50%.

APPROVED BY CONSENSUS.

MOTION CARRIED

STATEMENT OF FACTS-PART A
FLOOR AREA RATIO, WITH CONDITION OF MAXIMUM LOT
COVERAGE OF 50%

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: Small lot that is non-conforming.

Dill: Non-conforming very small lot other lots are of the same situation.

Kelly: No hardship.

Moore: Existing nonconforming like many other homes in the same district.

Evens: Simply trying to increase FAR.

Frosio: This is a nonconforming lot & is unique.

Livingston: Property shares similar conditions to other homes in same zoning district.

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

Goodin: Due to small size of lot.

Dill: Can reduce 2nd floor if choose to be conforming.

Kelly: No, it is not the minimum.

Moore: FAR variance not necessary for reasonable use.

Evens: Not minimum.

Frosio: Does not impact it.

Livingston: It is not necessary, being created by property owner.

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

Goodin: Minimal impact & allowed height per code.

Dill: Nearby and adjacent property owners say it is too dense.

Kelly: Roof top will affect adjacent property.

Moore: Adjustment to roof could affect nearby properties.

Evens: Roof "party" deck could be adverse/diminish value.

Frosio: It would not. It would not affect properties.

Livingston: It would give a special condition not afforded others owners in the area.

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

Goodin: Add architectural style.

Dill: Will affect other homes.

Kelly: It will diminish.

Moore: Character of area would be altered with increased FAR.

Evens: Roof "party" deck could be adverse/diminish value.

Frosio: This renovation will increase property values.

Livingston: Fixing property will help value in the area compared to how it is now.

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: Consistent with land use & character of community.

Dill: Harmony is to get non-conforming homes into the codes.

Kelly: No, not in harmony.

Moore: Intent of ULDC is to make nonconforming properties conforming.

Evens: Further exacerbates violation.

Frosio: In harmony.

Livingston: They have not shown a hardship, not in harmony with ULDC.

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: Non-conforming lot & staying in character of community.

Dill: Can build smaller top floor plan.

Kelly: Variance created by property owner.

Moore: Variance is result of desires of property owner.

Evens: Created by owner.

Frosio: No it has been created by the property owner/developer.

Livingston: This need has been created by property owner.

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: Very small nonconforming lot.

Dill: Not necessary to this home.

Kelly: Special privilege, not necessary.

Moore: Will give special privilege where other variance requests have been denied.

Evens: Could.

Frosio: It will confer special privilege.

Livingston: It will confer a special privilege.

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

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

Made by Dill, seconded by Evens.

MOTION: TO APPROVE OF CDB V19-02 PART A FOR FLOOR AREA RATIO OF 75.6% WITH THE CONDITION OF MAXIMUM LOT COVERAGE OF 50%.

Roll Call Vote:

Ayes: 1-Goodin

Noes: 6-Livingston, Frosio, Kelly, Moore, Evens, Dill

MOTION FAILED AND REQUEST DENIED.

STATEMENT OF FACTS-PART B

**FRONT YARD SETBACK, WITH CONDITION OF MAXIMUM LOT
COVERAGE OF 50%**

- 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: Small lot that is non-conforming.

Dill: Small lot w/ very minimal yard usage.

Kelly: No hardship.

Moore: Existing nonconforming like many other homes in same district.

Evens: Unique in willingness to reduce lot coverage.

Frosio: Nonconforming lot, unique hardships.

Livingston: They have not shown a hardship. Property shares similar conditions to properties in same zoning district.

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

Goodin: Due to small nature of lot.

Dill: Yes, small front porch to enhance 1st street.

Kelly: No, not minimum.

Moore: Setback variance not necessary for reasonable use.

Evens: Minimum.

Frosio: Front porch allows from enjoyment of property.

Livingston: The proposed additions make the existing non-conformities worst.

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

Goodin: Improve area & keep in style with community/land use.

Dill: Yes would not affect the adjacent properties or public.

Kelly: Would extend out beyond other properties.

Moore: Front yard setback variance would increase nonconformity.

Evens: Should enhance neighborliness.

Frosio: No affect.

Livingston: Front porch wouldn't adversely affect other properties.

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

Goodin: Enhance community through substantial improvements.

Dill: Will not diminish property value.

Kelly: It will diminish other properties.

Moore: Property values would not be diminished.

Evens: Should/will enhance.

Frosio: It will not it will increase property values.

Livingston: Will not diminish property value, may add to it.

- 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: In harmony.

Dill: In harmony.

Kelly: Not in harmony with intent of ULDC.
 Moore: Intent of ULDC is to make nonconforming properties conforming.
 Evens: Reducing lot coverage is in harmony.
 Frosio: It is in harmony.
 Livingston: Intent is to bring non-conforming to conforming.

- 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: Front porches are common in this area & the non-conforming lot has created the issue.
 Dill: Bit disregard-it trying to enhance property & make improvement to street facing side of home.
 Kelly: created by homeowner/developer.
 Moore: Variance is result of desires of property owner.
 Evens: Is not.
 Frosio: It has not been created by owner/developer.
 Livingston: the need has been created by the property owner.

- 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: Non-conforming lot.
 Dill: Uniquely enhances First Street as adds to the "neighborly charm".
 Kelly: Creates special privilege.
 Moore: Will give special privilege where other variance request in district have been denied.
 Evens: Will not.
 Frosio: No special privilege.
 Livingston: It will confer a special privilege not given to other property owners.

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

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

Made by Livingston, seconded by Frosio.

MOTION: TO APPROVE OF CDB V19-02 PART B FOR FRONT YARD SETBACK WITH THE CONDITION OF MAXIMUM LOT COVERAGE OF 50%.

Roll Call Vote:
 Ayes: 4- Frosio, Evens, Dill, Goodin
 Noes: 3-Livingston, Kelly, Moore

MOTION APPROVED AND REQUEST GRANTED WITH CONDITIONS.

CDB SE19-03
Special Exception
Mr. & Mrs. David
R. Osborn, Jr.
1309 Forest Ave
177484-1000

CDB SE19-03 Application for Special Exception as outlined in Division 9 of the Unified Land Development Code. The application is made by Mr. and Mrs. David R. Osborn, Jr. for 1309 Forest Ave. parcel number 177484-1000. The request to construct a new in ground swimming pool on land zoned as Conservation.

Mr. Osborn stated his family had owned the property since the 50's and when he decided to in 2005 he had found that the property had been made part of the conservation zoning district instead of the R-1. He received a special exception then to build his home with a pool. The new pool will have the same setbacks as the existing pool. The existing pool is 19 inches above the deck and the new owner would like to remove the existing wave pool and building an in ground swimming pool that would be flush with the deck. No new dirt will be added and the decking will not be extended. The deck is 30 inches above the ground and is on pilings. The house is not built on wetlands, the City established an upper land buffer at the time they granted the special exception in 2005.

Mrs. Askew, Deputy City Manager, stated that conservation district is primarily Hopkins Creek and the marsh. The current pool did not require a permit since it is an above ground but the new pool would since it would be an in ground one. The new one is larger but since it will be constructed in the existing deck so it would not disturb any more dirt or go out further towards the marsh. The special exception will be transferred to the new owner. The entire property is within the conservation zoning district not just the pool/deck area. Will have to build to the flood zone requirements.

Chairperson Goodin opened the floor for public comments. There being none the public comments were closed.

STATEMENT OF FACTS

1) The proposed use is consistent with the comprehensive plan.

Frosio: Is consistent.

Dill: Minor addition to an already existing deck.

Moore: Consistent with plan.

Evens: Consistent.

Livingston: Consistent with comprehensive plan.

Kelly: No, not consistent w/comp. plan.

Goodin: Property on upland portion, no further impact.

2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses.

Frosio: It is simply putting in an in ground pool where an above ground one exists.

Dill: A backyard pool.

Moore: Does not change general character. Area currently has existing porch.

Evens: Compatible.

Livingston: Proposed use is similar to existing developed area.

Kelly: No, not compatible w/general character.

Goodin: Property not impacting actual wetlands or additional area.

- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community.

Frosio: No impact.

Dill: Disruption land/area in a conservation district.

Moore: No additional environmental impact from pool in location of porch.

Evens: No additional environmental impact.

Livingston: Not disturbing any additional land.

Kelly: Area is in designed conservation.

Goodin: Area has been impacted.

- 4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community.

Frosio: No conditions created.

Dill: In backyard.

Moore: No detrimental effects to community.

Evens: No change in flow.

Livingston: Would not have a detrimental effect on the community.

Kelly: Would not generate detrimental effect.

Goodin: No effect.

- 5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.

Frosio: No effect.

Dill: No development of this area would be best for this land.

Moore: Pool will not affect future development.

Evens: Will not.

Livingston: Would not affect future development.

Kelly: Yes, would /could set a president.

Goodin: No additional impact.

- 6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area.

Frosio: None.

Dill: No a nuisance.

Moore: Previously granted special exception allowed use of this area.

Evens: No additional noise. Big private lot.

Livingston: Would not create additional disturbance not already existing.

Kelly: Not create objectionable noise, light, etc.

Goodin: No additional.

- 7) The proposed use would not overburden existing public services and facilities.

Frosio: No overburdening.

Dill: No additional problem to services.

Moore: Service would not be affected.

Evens: Will not.

Livingston: It would not overburden existing services.
Kelly: Would not overburden.
Goodin: No large impact.

8) The proposed use meets all other requirements as provided for elsewhere in this Code.

Frosio: Meets all codes.
Dill: Conservation district.
Moore: Requirements met.
Evens: In accord with code.
Livingston: It meets all other requirement.
Kelly: No does not meet code.
Goodin: No further impact. Zoned incorrectly.

**CONCLUSION ON REQUIRED FINDINGS
PURSUANT TO SEC. 27-160, ORDINANCE CODE**

Sec. 27-160(1)	Positive 7-0
Sec. 27-160(2)	Positive 7-0
Sec. 27-160(3)	Positive 7-0
Sec. 27-160(4)	Positive 7-0
Sec. 27-160(5)	Positive 7-0
Sec. 27-160(6)	Positive 7-0
Sec. 27-160(7)	Positive 7-0
Sec. 27-160(8)	Positive 7-0

Made by Dill, seconded by Evens.

MOTION: TO APPROVE THE FINDING OF FACTS.

APPROVED BY CONSENSUS

MOTION CARRIED

Made by Evens, seconded by Frosio.

MOTION: TO RECOMMEND APPROVAL OF CDB SE19-03 FOR THE SPECIAL EXCEPTION AS SUBMITTED.

Roll Call Vote:

Ayes: 5-Evens, Moore, Frosio, Livingston, Goodin

Noes: 2- Kelly, Dill

MOTION APPROVED.

The applicant was informed that the special exception request would be forwarded to City Council for their final review on Monday March 4, 2019 at 6:00 and that they should attend that meeting.

Proposed Ordinance Temporary Moratorium for Planned Unit Developments

An Ordinance of the City An Ordinance of the City of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-245, Temporary Moratorium; Providing for a

Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-245, Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mrs. Askew, Deputy City Manager, stated that this proposed ordinance would be a change to Chapter 27 and requires the board's review and recommendations. This moratorium would only effect applications that are submitted after the effective date of the ordinance. Council has indicated that they want to look at the whole Chapter 27 code and specially updated the PUD language. This would give the City time to look at the language and how we would like to move forward. Looking as items should as open spaces and how it would calculated. This would be 12 months. PUDS are a special exception in C-2 and C-3 zoning districts. The burden of proof is on the applicant and maybe special exceptions is not the right way to go, they may need to go through the rezoning process. This time will give Council time to work through the code and do some research.

Chairperson Goodin opened the floor for public comments.

Mr. Mark Scruby, Attorney for Rogers Towers, addressed the board. He is representing TM Neptune Realty, LLC and Tri-bridge Residential, LLC that is the owner and applicant for a PUD and that his firm was there to observe the proceedings and will reserve their comments on the merits for the City Council.

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

Made by Dill, seconded by Kelly.

MOTION: TO APPROVE PROPOSED ORDINANCE 2019-03 TO PLACE A TEMPORARY MORATORIUM ON PLANNED UNIT DEVELOPMENTS.

Roll Call Vote:

Ayes: 5-Evens, Kelly, Livingston, Dill, Goodin
Noes: 2- Frosio, Moore

MOTION APPROVED.

Adjournment

The next board meeting will be March 20, 2019 at 6:00 pm. There being no further business, the meeting adjourned at 7:32 p.m.

Chairperson Christopher Goodin

ATTEST:

Piper Turner, Board Secretary