



**MINUTES**  
**COMMUNITY DEVELOPMENT BOARD**  
**SEPTEMBER 12, 2018 AT 6:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

---

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held September 12, 2018 at 6:00 p.m. in the City Hall Council Chambers.

Attendance: The following Board members were in attendance:

Board members were in attendance:  
Christopher Goodin, Chair  
Aaron Evens, Member  
Bob Frosio, Member  
Nia Livingston, Member  
Colin Moore, Member  
Diana Kelly, Member

Alternate Members Charlie Miller and W. Jeremy Randolph were also 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 Chairperson Chris Goodin called the meeting to order at 6:00 p.m. and welcomed the new alternate members to the board.

Disclosure of  
Ex- Parte  
Communication Chairperson Goodin stated he had spoken with the property owner's representative for 106 Florida Blvd and community members concerning the lighting ordinance. Ms. Kelly stated she had also spoke to members of the community about the lighting ordinance.

Minutes Approval of August 15, 2018 minutes.

Moved by Evens, seconded by Kelly.

Motion: **TO APPROVE THE AUGUST 15, 2018 MINUTES AS AMENDED.**

Roll Call Vote:

Ayes: 6—Kelly, Livingston, Moore, Evens, Frosio, Goodin  
Noes: 0

**MOTION CARRIED**

CBD V18-13  
106 Fla. Blvd  
Christopher Wooten

CDB V18-13 Variance request of Christopher Wooten for the property formerly known as 106 Florida Blvd and 1212-1214 Strand (RE # 173139 0000). The request is to vary section 27-239(1) to construct a swimming pool in the front yard of a corner lot.

Section 27-239(1) Pool  
Placement

Frank Gamel, Contractor for the property owner, stated the lot is 4 ½ to 5 foot lower on the north end of the lot than on the south side. The owner tore down a 5-plex and will be building a single-family dwelling. The request is to build a swimming pool on the Florida Blvd. side of the property and the garage will have to be on the north end do to the grade difference. The property is in the coastal construction control line and will require DEP approval.

Questions from the Board to the applicant:

Where will the front door be? It will be facing Florida Blvd.

How tall is the existing retaining facing Florida Blvd? There are 7 rows of concrete block at 8 inches for a total of 56 inches tall.

Amanda Askew stated the property is located on the northwest corner of Florida and Strand in the R-4 zoning district. The owner demolished a 5 unit building and plans to build a single family on the lot. Florida Blvd is the narrowest frontage and is considered the front yard by code and Strand would be the corner side yard. Because of the steep grade differences, the driveway and garage must be on the north east side of the lot where Strand is at grade.

Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

Board discussion:

Mrs. Livingston: This design allows the minimal excavation of the site as possible.

Chairperson Goodin: Removed a 5 unit building and wants to build a single family with a pool. Makes sense. No one will be able to see into the pool with a fence.

Kelly: Fence will provide privacy.

Made by Livingston, seconded by Evens.

**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: Elevation change between two roads creates unique property.

Kelly: Natural-elevation changes create an exception and unique hardship.

Livingston: The property is unique in that it has significant grade differences.

Moore: Elevation changes in north and south if property make it unique.

Evens: Extreme Neptune grade.

Frosio: Yes, a grade variance of 5'.

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

Goodin: Minimal necessary.

Kelly: Minimum.

Livingston: It seems it's the only way to allow reasonable use of property.  
Moore: Garage could not be placed in southern portion of property.  
Evens: Extreme Neptune grade.  
Frosio: Yes, no place else to put a pool.

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

Goodin: No effect on neighbors due to elevation and screening required.  
Kelly: It would not adversely affect adjacent.  
Livingston: Pool will have 4 ft. fence, plus retaining wall, likely not visible from the street.  
Moore: Because of height and required fence, pool will not be visible.  
Evens: Path of least resistance.  
Frosio: Yes, the height would render the pool invisible.

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

Goodin: New property, improve area.  
Kelly: It will enhance with new construction  
Livingston: Pools normally help raise property values.  
Moore: Essential character will remain rather than extreme regrading.  
Evens: Enhance-especially vs. 5-plex.  
Frosio: Yes, went from 5 units so 1 greatly increased value.

- 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 with intent of code to not make accessory structures visible in front yard.  
Kelly: In harmony.  
Livingston: With 4 foot walls, consistent w/intent of ULDC regarding this.  
Moore: Variance in harmony with ULDC.  
Evens: In harmony.  
Frosio: Yes, according to staff.

- 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: Created by elevation of lot.  
Kelly: It is created by nature.  
Livingston: It's due to geographic features.  
Moore: Need for variance due to geographic features.  
Evens: Old sand dune.  
Frosio: Yes, neither created.

- 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: Consistent with area.  
Kelly: No special privileges.  
Livingston: This is a unique property.  
Moore: No special privilege.  
Evens: Will not. Extremely unique.

Frosio: Yes, it will not.

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

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

Moved by Evens, seconded by Frosio.

**MOTION: TO APPROVE CDB V18-13 TO CONSTRUCTION A SWIMMING  
POOL IN THE FRONT YARD FACING FLORIDA BLVD.**

Roll Call Vote:

Ayes: 6–Kelly, Livingston, Moore, Evens, Frosio, Goodin  
Noes: 0

**MOTION APPROVED AND REQUEST GRANTED.**

CDB 18-13  
Lot 5 Sunset Pt  
Brad Morcom  
Heritage Tree  
Removal

CDB18-13 Application for removal of three heritage trees for the property located at 2000 Tara Court as outline in Chapter 27, Article 9 of the Unified Development Code of Neptune Beach for Brad Morcom. The request is to remove three (3) heritage oak trees.

John Harris of Glenn Layton Homes, will be building a new family on the lot. Three trees are heritage trees that will need to be removed in order to build the house. The trees are not healthy.

Amanda Askew stated this is a vacant lot. The applicant is seeking approval to remove 3 heritage Oak trees. Live Oaks over 30 inches in diameter are considered heritage trees which must be approved by the board. The northern most tree is 35 inches, middle tree is 37 inches and the southern tree is 42 inches. There is an upper land buffer on the lot to filter runoff before getting to marsh/wetlands. This buffer cannot be built upon. It makes the buildable area of the lot much smaller. All 3 trees are in the footprint of the house or driveway. This same request was approved in 2015 for the former property owner. The board authorized the removal of the trees, however, the owner was required to replace 50% of the caliper inches for a total of 57 inches. An arborist presented evidence at that time that the trees were in distress and would not likely survive once the dirt was disturbed.

The code has been updated to allow an applicant to pay into a fund instead of replacement. The fund is used by the City to plant trees throughout the city. This was not available in 2015.

Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

Board discussion: There board discussed the number of inches that should be planted and if the applicant would need to pay into the tree fund also.

Moved by Evens, seconded by Frosio.

**MOTION:** TO ALLOW THE REMOVAL OF THREE (3) HERITAGE OAK TREES WITH THE REQUIREMENT FOR REPLACEMENT ON A 50% BASIS, WHICH IS 57 INCHES WORTH OF TREES. A MINIMUM OF THREE (3) HERITAGE SPECIES TREES SHALL BE PLANTED ON SITE AND THE REMAINING INCHES SHALL BE DONATED TO THE CITY OR MONEY PAID IN TO THE TREE FUND.

Roll Call Vote:

Ayes: 6–Kelly, Livingston, Moore, Evens, Frosio, Goodin

Noes: 0

**MOTION APPROVED.**

Discussion of  
proposed lighting  
ordinance

Amanda Askew, Deputy City Manager and Community Development Director, explained the proposed ordinance. City Council, the Land Use and Parks committee as well as the ULI Study has discussed lighting issues. There are concerns about buildings being lit up in such a way that it negatively effects surrounding neighbors or the overall aesthetics of the area. The code regulates lighting in 3 different code sections: Beachfront during turtle nesting season; sign and lighting for parking and loading areas.

Model lighting ordinances can be simple or very complex. The more complex ones require equipment, training and rating the lumens emitted from the light source. Simpler ordinances are harder to enforce and can be subjective

Board questions discussed:

Will the restrictions apply to both commercial and residentially zoned properties?

Will the ordinance be retroactive or provide a date for compliance?

Where in the code with the light ordinance be placed?

Who will enforce it?

Discussed having 3 types of lighting requirements. The first one for the Central Business District (CBD), second one will be residential and the final being commercial. In all 3, the light shall stay on the property where the lights have been installed.

Because lighting is something that occurs at night, the police department should be the enforcement agency, like the noise ordinance.

Chairperson Goodin opened the floor for public comments.

Ed Jones, 200 First Street, submitted 9 letters in support of a lighting ordinance.

Shellie Thole, 217 Oleander St, stated she had a neighbor with bright motion detectors that shines into her backyard.

There being no comments, the public hearing was closed.

The board decided to end the discussion for tonight to give them time to think on this topic. Each member was asked to submit their suggestions to the Deputy City Manager prior to the next meeting.

Adjournment

The next board meeting will be November 14 2018 at 6:00 pm. There being no further business, the meeting adjourned at 8:04 p.m.

---

Chairperson Christopher Goodin

ATTEST:

---

Piper Turner, Board Secretary