



**MINUTES
COMMUNITY DEVELOPMENT BOARD
MARCH 9, 2022, 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 both in person March 9, 2022, at 6:07 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Bob Frosio, Chair
Greg Schwatzenberger, Vice-Chair
W. Jeremy Randolph, Member
Jonathan Raitti, Member
Rene Atayan, Member
William Hilton, Member
Tony Mazzola, Alternate Member

Rhonda Charles, alternate member, was also in attendance.

The following staff members were present:

Samantha Brisolara, Community Development Director
Stefen Wynn, City Manager
Zachary Roth, City Attorney
Piper Turner, Code Compliance Supervisor

Pledge

Pledge of Allegiance.

Call to Order/Roll Call

Chair Frosio called the meeting to order at 6:07 p.m.

Minutes

Made by Hilton, seconded by Mazzola.

MOTION: TO APPROVE FEBRUARY 9, 2022 MINUTES AS SUBMITTED.

Roll Call Vote:

Ayes: 7-Hilton, Mazzola, Raitti, Randolph, Atayan,
Schwartzzenberger, Forsio

Noes: 0

MOTION CARRIED

Variance
application
Michelle Lynn
Larson Et Al &
Anthony
Rummell R/S
1515 Kings
Road

V22-03 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Michelle Lynn Larson Et Al and Anthony Jay Rummel R/S for the property known as 1515 Kings Road (RE# 178620-0000). The request is to vary Sections 27-328(a)(3) height, 27-328(a)(4) size and 27-328(a)(6) driveway access for an accessory structure. The request for variance is for an after the fact detached accessory structure for the storage of a boat.

Samantha Brisolara, Community Development Director presented the staff report.

- I. **BACKGROUND:** An application for a variance was submitted on February 3, 2022, for a detached garage (boat shed). Prior to submission of a variance, the structure was cited by Code Enforcement for failure to obtain a permit. Upon application for a permit, the owner was informed that accessory structures are only permitted to be a maximum height of 12 feet, must have an access driveway that is made of asphalt, concrete, or other like material, and the maximum size cannot be greater than 700 square feet.
- II. **DISCUSSION:** The application is requesting a variance from the following Land Development Codes: • Sec. 27-328 (a)(2) a. o “On multiple frontage lots, through lots and corner lots, accessory structures may only be located in any required interior side yard and/or required rear yard but not less than three (3) feet from any of those lot lines.” • Sec. 27-328 (a)(3) o “Accessory structure does not exceed twelve (12) feet in height or fourteen (14) feet in height for a two-car garage with a vertical exterior wall height not to exceed eight (8) feet in height.” • Sec. 27-328 (a)(6) o “Detached garages shall have an access driveway as described in section 27-480 except that the use of pervious driveway material of construction material is encouraged.”
- III. **FINDINGS:**
 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.
 - a. Applicant Response: “Plans for boat shed is 16’ tall with no driveway. Structure is just bigger and tall enough to cover 22’ boat with T-top.”
 - b. Staff Response: Staff finds that the hardship is self-imposed and not the result of unique parcel qualities. The variance could have been avoided by obtaining the proper permits prior to construction. The applicant constructed a structure that appears to have additional six to eight feet of clearance between the top of the boat and the rafters. Additionally, the boat is in the front yard of the home with no improved driveway. The structure is required to be placed in the rear or side yard. There appears to be 15 – 20 feet of space between the tree located in the front yard and the eave of the house. This provides ample room to pave from the existing driveway to the side and/or rear yard for the future location of the accessory structure.
 2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
 - a. Applicant Response: “Shed is just bigger than boat footprint and just higher than T-top.”

b. Staff Response: Staff finds that the variance is not the minimum necessary to allow reasonable use of the parcel of land. The applicant is located on a corner lot with ample space to construct a detached boat garage within the confines of the land development code.

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

a. Applicant Response: "The boat shed is far back on side of garage as possible without being in back yard.

b. Staff Response: Staff finds that the setbacks of the structure comply with the regulations of the R-1 zoning district. However, the structure is in the front yard and is required to be placed in the side or rear yard.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

a. Applicant Response: "Boat shed will be a value to property."

b. Staff Response: Staff finds that the boat garage structure will not negatively impact the property values of the area. There are two large, detached garages in the area that were permitted prior to the existing land development code. However, the unimproved access is not characteristic of the area as the other detached garages have improved driveway access to their structures.

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(s) of the ULDC.

a. Applicant Response: "Well design post & beam structure."

b. Staff Response: Staff finds that the proposed use of the structure is subordinate to the principal use of the single-family home. However, due to the size of the structure and its location to the one-story garage in the front yard, the intent of an ancillary structure is not met.

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.

a. Applicant Response: "Variance is based on size of boat."

b. Staff Response: Staff finds that the property owner has created the need for a variance by not obtaining the proper permits prior to constructing the structure. The owner also has the option of storing the boat off-site.

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 in the same zoning district.

a. Applicant Response: "Proposed variance is a one-time occurrence for this structure and is afforded to all others in my situation.

b. Staff Response: Staff finds that granting the variance will negate the intent of the accessory structure section of the Land Development Code. Additionally, the location and size of the structure is not in tune with the character of the area as the others were permitted prior to the institution of the Land Development Code, are located and or shielded from the front yards, and have paved access to their accessory structures. IV.

IV. **CONCLUSION:** Staff does not support approval of the variance based on the findings stated above. The applicant may move forward with permitting, but must comply with Article V, Accessory Structures and Uses as stated in the Land Development Code. V.

- V. **RECOMMENDED MOTION:** a. I move to deny Variance Application V22-03 for self-imposed hardship, accessory structure's location in the front yard, and the lack of improved access being uncharacteristic of the area.

Questions from the Board for Staff:

What type of pavement should be used for a driveway? Pavers, asphalt, concrete or crushed shells.

Was the project started without a permit? Yes.

Mr. Anthony Rummell, 1515 Kings Road, applicant and property owner, addressed the Board. Stated he was asking for a variance for an after the fact permit. Built the boat shelter without a permit.

The boat with the t-top is 11 feet 4 inches tall and the storage building has a 4:12 pitched roof. The boat is 22 feet long and the building is 12 feet wide and 24 feet long. Has plans to build a driveway to the area in the future. Will to resubmit the building plans to the city with the driveway to be added.

Board Discussion:

Mr. Mazzola: The hardship is not unique and the need for the variance was created by the applicator.

Mr. Hilton: The board is bound by the finding of facts. The hardship is not unique and is not the minimum necessary.

Mr. Schwartzenberger: Rode around the neighborhood to see if it fit. As a compromise, could be favorable with a driveway.

Mr. Randolph: If the structure was to be placed in the back or side yard it would eliminate the need for the variance. The posts are buried in the ground with concrete.

Mr. Ratti: This is a self-created hardship. Would convey a special privilege to the owner. The structure is nicely made.

Made by Hilton, seconded by Mazzola.

MOTION: MOVE TO DENY VARIANCE APPLICATION V22-03 FOR SELF-IMPOSED HARDSHIP, ACCESSORY STRUCTURE'S LOCATION IN THE FRONT YARD, AND THE LACK OF IMPROVED ACCESS BEING UNCHARACTERISTIC OF THE AREA.

Roll Call Vote:

Ayes: 7-Hilton, Mazzola, Raitti, Randolph, Atayan, Forsio

Noes: 1- Schwartzenberger

MOTION CARRIED

ULDC
revisions
discussion

Board discussion and review of Chapter 4 Article I Alcoholic Beverages; Chapter 17 Article III-Open Air Sales and Markets; Chapter 18-Streets, Sidewalks, and Other Public Places; and Chapter 27 Article IV-B-Land Uses and Cannabis Dispensing Businesses; Article IX Tree Protection and Landscaping; Article X Streets, Sidewalks and Rights-of-Way

Open Air Sales and Markets: changed to be permitted in C-1 and C-1 and special event in Jarboe Park. Add requirements and specifications for permit submittal.
Food trucks: Clarified where they can be parked, permit requirements. Definition clarified.
Street, sidewalks and other public places: Beaches accesses are prohibited from any improvements. Property owner may improve r-o-w for driveway aprons and landscaping. rights-of-way permit required. Updated the street design standards for roadways.
Sidewalks required to be a minimum of 5 feet wide.
Replacement of walkways, driveway, patio, dining areas or creation of new in the r-of-w in R-4 and CBD shall be with pervious pavers.
Tree protection and landscaping: Special provisions for single-family or duplex lots were addressed. Added definitions. Permit procedures for pruning and removal. Standards add for replacement or relocation of trees. Approved tree list updated.

Open
Discussion

The board talked about the pickleball courts and windbreaks on the fencing at Jarboe Park. Mr. Wynn stated that a fundraiser was coming to replace the windbreaks and install slates in the fencing. June 1st is the tentative date for the completion of the park. Lights will be on the pathways. Suggestions made:

- the rules for the park need to be larger
- there needs to be a way to enforcement the use of the court time. Maybe a timer could be put in place.
- add open play within the rotation.

Adjournment

The next board meeting will be April 13, 2022, at 6:00 pm. There being no further business, the meeting was adjourned at 8:08 p.m.

Robert Frosio, Chairperson

ATTEST:

Piper Turner, Board Secretary