



MINUTES
COMMUNITY DEVELOPMENT BOARD
APRIL 11, 2018 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 April 11, 2018 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
Tony Mazzola, Member
Diana Kelly, Member
Nia Livingston, Alternate Member
Colin Moore, alternate members

Absent:

Alan Martin, Member

Aaron Evens, Member, arrived at 6:41pm and was in attendance.

The following staff members were present:

Amanda Askew, Deputy City Manager and Community Development Director
Piper Turner, Code Compliance Supervisor

Call to Order/Roll Call

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

Minutes

Made by Mazzola, seconded by Dill.

MOTION: TO APPROVE THE MARCH 14, 2018 MINUTES AS SUBMITTED.

APPROVED BY CONSENSUS

MOTION CARRIED

CDB V18-07
616-618 First St
Margaret Deese

CDB V18-07 Application for variance as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Margaret A. Deese for the property known as 616-618 First Street (RE# 1722811-0000). The variance request is to vary table 27-229-1 side yard setbacks and section 27-237(4) floor area ratio. The request is to reduce the side yard to 5 feet each in lieu of the required 7 and increase the FAR to 83% in lieu of the maximum of 65%. This was tabled at the March 14, 2018 to give the applicant time to consult with a design professional.

Mr. Williams, spouse of property owner, stated were asked to look at a smaller design and the neighbors asked that the new house be moved to rear setback of 15 feet. The current house is 1.9 feet from the property line. We will be reducing the

density from 3 to 1 and removing concrete. The new house will have a 2-car garage instead of the six cars the tenants have now. Mr. Williams introduced Ben Broadfoot, designer, and asked him to explain the new drawing.

Mr. Broadfoot, 420 S. 3rd St. Jacksonville Beach, gave an overview of the new design. The entry would require a large setback back on the north side. Lot coverage will be reduced from 61.5% to 51.2%. The floor area ratio would go from 83% to 77%.

Mrs. Askew, state that required front and rear yards must add up to 35 feet neither on being less than 15 feet. The proposed plan will have the rear yard at 15 feet and the front at 25 feet which is more than is required. The south side setback is 5 feet and the north varies between 3 feet to 5 feet. The notice was advertised to be a setback of 5 feet with 83% floor area ratio. The board could approved a setback more than what was advertised but not less. Lot coverage could be brought into compliance with a change in material.

Chairperson Goodin opened the floor for public comments.

Mark Mantarro, 2112 First St., not sure what is being asked for. He recently built a house on First Street and stated staff will would with you to build a house that can fit. They didn't ask for a variance for lot coverage. The code lets you have a 2200 square foot house.

Shelly Thole, 217 Oleander St, there are about 80 lots that are similar in width. This is not a hardship. Could build a 2210 square foot house. 2 car garages and front entries is what is being asked for.

Ken Parker, 614 First St, applicant has moved the house back and they appreciate that. Opposed to the side setbacks and ask the board to deny the variance.

Bill Longenecker, 133 Cedar St., doesn't see the hardship. Smaller house for 2 people is sufficient. North side is too close.

Mary Lou Parker, 614 First St., passed out pictures to the board showing the view from her south facing windows. Stated she lives on the north side of property and her only view is from the south side of her house. The house to the rear for the Deese's property asked for a variance in the past and was denied. The new house being closer to the side will make her house dark.

There being no comments, the public hearing was closed.

STATEMENT OF FACTS FOR REQUEST #1 FOR 5 FOOT SIDE YARD SETBACKS

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.

Livingston: the property is not unique compared to other property.

Frosio: 34' nonconforming lot made up of a part of a bigger lot.

Kelly: There are other lots in NC east that are the same size.

Moore: Not a unique hardship. Other parcels in zoning district share.

Dill: Other lots are similar in narrow widths and long.

Mazzola: I do not see a unique hardship with the request.

Goodin: Small lot with multiple units (3).

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

Livingston: It is not the minimum necessary. They could build within code.

Frosio: 5' setbacks allows them to build a 24' wide house.

Kelly: The structure on the property could be reduced.

Moore: Reasonable size single family home could be built without variance.

Dill: Has alternatives as this is a fresh build out.

Mazzola: A home with over 2k sq. ft. is possible.

Goodin: Could build on 7' side setback and have side entrance.

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

Livingston: The property would adversely affect nearby property.

Frosio: It is lowering the density from 3 rentals to 1 owned home. The side setbacks area actually increasing from the present conditions.

Kelly: It would adversely affect the other properties, especially to the north.

Moore: Nearby properties will be affected by reduced size yard setback.

Dill: The new home with decrease side yard will be close to adjacent properties in less than positive effect

Mazzola: Although the existing home is further in the setback, the new plan still in the setback will impact neighbors.

Goodin: Additional side setbacks impeded neighbors.

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

Livingston: It will not diminish property values.

Frosio: New home lower density means increased value.

Kelly: A new structure proposed will decrease the marketability or the ability of other properties especially to the north for future redevelopment.

Moore: Property values will not diminish with new construction.

Dill: Will not diminish property value.

Mazzola: There was no authority to say property value would drop or increase.

Goodin: Add new structure.

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.

Livingston: Less parking issues. Multiplex to a single family home.

Frosio: Reduces density.

Kelly: Encroaches on neighboring property.

Moore: Not in harmony with ULDC.

Dill: The property owner is reducing structures/density and trying to improve property.

Mazzola: The property needs to stay within the setbacks.

Goodin: Reduce density.

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.

Livingston: The need for the variance has been created by the property owner.

Frosio: Lot is nonconforming, setbacks are nonconforming as it exists today.

Kelly: It has by owner, the size of structure is a "want" not a need.
Moore: Property owners could build a house without the setback variance.
Dill: Property owner has not explored alternative housing plan that is w/in the code.
Mazzola: The need has been created by the applicant.
Goodin: Could build within setbacks.

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.

Livingston: It will confer special privilege.
Frosio: It will reduce the setbacks from 7' to 5'.
Kelly: It will create a special privilege.
Moore: Property owners could build a house without the setback variance.
Dill: Will be a privilege.
Mazzola: No special privilege.
Goodin: Reduce density.

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

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

Made by Dill, seconded by Mazzola.

MOTION: TO APPROVE THE FINDING OF FACTS.

APPROVED BY CONSENSUS

MOTION CARRIED

Made by Dill, seconded by Mazzola.

MOTION: TO APPROVAL V18-07 VARIANCE REQUEST #1 FOR 5 FOOT SIDE YARD SETBACKS.

Roll Call Vote:

Ayes: 1- Frosio
Noes: 6- Moore, Kelly, Livingston, Dill, Mazzola, Goodin

MOTION APPROVED AND VARIANCE REQUEST #1 DENIED.

STATEMENT OF FACTS FOR REQUEST #2 TO INCREASE THE FLOOR AREA RATIO TO 77%

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.

Livingston: The property is not unique compared to other property in same zone.
Frosio: 34' nonconforming lot with 3 rental units.

Kelly: Parcel size is shared by other lots in NB East.

Moore: Other properties have houses at or under the FAR maximum.

Dill: Lot has been split and divided at some earlier date making it a long, narrow lot. Applicant is trying to improve lot and create a more beautiful and in line w/ comprehensive plan.

Mazzola: There is no unique hardship.

Goodin: Small lot with 3 units on property being taken to 1 unit.

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

Livingston: They are making cutbacks, skinny lot.

Frosio: The floor area ratio can be met by design.

Kelly: Minimum necessary.

Moore: Can be lower.

Dill: Lot has been split and divided at some earlier date making it a long, narrow lot. Applicant is trying to improve lot and create a more beautiful and in line w/ comprehensive plan.

Mazzola: The applicant can build a home of over 2k sf and not need a variance.

Goodin: Reduced from prior request. Lot depth/width issue.

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

Livingston: Would not adversely affect adjacent property.

Frosio: No affect.

Kelly: it will adversely affect.

Moore: Increased FAR affects neighbors.

Dill: Lot is very deep this would still provide large "front & rear".

Mazzola: The proposed home would impact adjacent home.

Goodin: Reduced from prior request and reducing the number of units.

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

Livingston: Will not diminish property values.

Frosio: Will not diminish property values, will improve character.

Kelly: It will help property values.

Moore: Increased FAR alters essential character by setting precedent.

Dill: Removing old structures and adding new will be an increase.

Mazzola: There was no competent authority to say either way.

Goodin: New structure.

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.

Livingston: Reduce density, multiplex to single family.

Frosio: This could be achieved through design.

Kelly: Reduces density east.

Moore: ULDC sets FAR maximum.

Dill: See 1.

Mazzola: The applicant needs to stay within building codes.

Goodin: Reduce density.

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.

Livingston: The need for the variance has been created by the property owner.

Frosio: They have a 34' lot and are trying to maximize the square footage.

Kelly: It has been created by owners. Want vs need.

Moore: House can be built with lower FAR.

Dill: Large long (deep) lot and very narrow. This aids in keeping side yards narrow at 7 feet.

Mazzola: The need has been created by the applicant.

Goodin: Small lot, been same size for long time.

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.

Livingston: This will confer special privilege, but this is meeting more in the middle with our request.

Frosio: Allows them to exceed FAR Ratio.

Kelly: Yes, it will allow owner to receive variance.

Moore: Other building construction with lower FAR.

Dill: See 1.

Mazzola: No special privilege.

Goodin: Reduce density.

CONCLUSION ON REQUIRED FINDINGS #2
PURSUANT TO SEC. 27-147, ORDINANCE CODE

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

Made by Dill, seconded by Mazzola.

MOTION: TO APPROVE THE FINDING OF FACTS BASED ON 77% FLOOR AREA RATIO.

APPROVED BY CONSENSUS

MOTION CARRIED

Made by Mazzola, seconded by Frosio.

MOTION: TO APPROVAL V18-07 VARIANCE REQUEST #2 FOR FLOOR AREA RATIO NOT TO EXCEED 77%.

Roll Call Vote:

Ayes: 4-Livingston, Frosio, Dill, Goodin

Noes: 3- Moore, Kelly, Mazzola

MOTION APPROVED, AND VARIANCE REQUEST FOR FLOOR AREA RATIO OF 77% GRANTED.

630 Atlantic Blvd
Suite 14
Cousins Maine
Lobster

Land Development Code of Neptune Beach for Seminole Shoppes for the property known as 630 Atlantic Blvd. Suite 14 (RE# 1728840-0000). The variance request is to section 27-330(a) (1) building sign size. The request is to increase the building size from the allowable of 17.6 square 8 feet to 29.4 square feet.

Ms. Julianne Lilly, business owner, stated she has purchased a franchise to open a brick and mortar store for Cousins Maine Lobster in Neptune Beach. The sign size allowed by code is smaller than corporate and the landlord will approve for her to install. The corporation and the landlord must both approve the sign that can be installed and they have a certain look they are going for. Cousins is requiring the lobster to be incorporated into the sign. The store is set very far from the street and will be hard to see. Was advised to apply for a variance.

Mrs. Askew, state that code allows the building sign to be one square foot for every one linear foot of the front of the building that faces the street. This would allow for 17.5 square foot sign.

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

Board discussion:

The proposed sign is 60.7% larger than what the code allows. Corporate and the landlord same up with this design but still have her a design that is 60% larger that the code allows.

Could design a sign that fits within the code.

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.

Livingston: this property is not unique, several others units same size in the same shopping center.

Frosio: Not unique in anyway.

Kelly: Not unique.

Moore: Not unique.

Dill: new shops with 5 more of similar size. City sign ordinance stipulates 1 square foot. Not a hardship or unique to this property.

Mazzola: There is not unique hardship.

Goodin: 6 other properties with same size requirements.

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

Livingston: It is not the minimum necessary.

Frosio: Sign ordinance allow a sign that is large enough.

Kelly: 60+% ↑ in sign.

Moore: Other businesses in shopping center have signs without variance.

Dill: Not necessary as code allows for a sign.

Mazzola: Applicant can design a smaller sign.

Goodin: Could build within code.

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

Livingston: The sign would be roughly 60% larger than nearby stores.
Frosio: Yes, it would affect other sore adjacent.
Kelly: Other retail in shopping center area within code.
Moore: No adverse effect.
Dill: Would affect other adjacent business as there are 5 more w/similar size.
Mazzola: Most likely no impact to adjacent stores.
Goodin: New shop/restaurant.

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

Livingston: It will change the character of the surrounding area.
Frosio: No because it is rental space.
Kelly: It will take away from other retailers.
Moore: No effect on property values.
Dill: Yes.
Mazzola: There should be no impact to property values.
Goodin: New shop/restaurant.

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.

Livingston: The intent is to reduce signage in Neptune Beach. Not increase.
Frosio: A larger sign is not in harmony.
Kelly: Not in harmony.
Moore: General intent of ULDC is smaller commercial signage.
Dill: Code is to reduce signage.
Mazzola: The sign needs to be smaller.
Goodin: Larger than code. Looking to reduce signage.

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.

Livingston: The need has been created by landlord and corporation.
Frosio: The corporate franchiser just wants a bigger sign.
Kelly: It has been created by owner/developer and corporate.
Moore: Shopping center and corporate franchise has created.
Dill: Corporate did not provide applicant with a sign within code. Suggested obtaining a variance.
Mazzola: Crated by applicant/landlord.
Goodin: Could build smaller sign.

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.

Livingston: It will confer special privilege.
Frosio: It will. A large sign than neighbors.
Kelly: It will give special privilege.
Moore: Special privilege would be crated that adjacent tenants do not have.
Dill: Could be privilege.
Mazzola: No special privilege.
Goodin: None known.

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

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

Made by Dill, seconded by Mazzola.

MOTION: TO APPROVE THE FINDING OF FACTS.

APPROVED BY CONSENSUS

MOTION CARRIED

Made by Dill, seconded by Mazzola.

MOTION: TO RECOMMEND APPROVAL OF VARIANCE REQUEST V18-08.

Roll Call Vote:

Ayes: 0

Noes: 7-Moore, Kelly, Frosio, Livingston, Dill, Mazzola, Goodin

VARIANCE REQUEST DENIED.

Applicant was informed that the request would be forward to City Council on May 6, 2018 at 6pm for final review. The applicant must attend that meeting.

Proposed
Ordinance
Amending
Section 27-226

Proposed ordinance amending Chapter 27 of the Unified Land Development Regulations, Article IV Land Use Section 27-226 Allowable Uses within the zoning districts. This change would add "Day Care Facilities" by special exception in the C-2 and C-3 zoning districts.

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

This would allow Day Care facilities to open in the C-2 and C-3 by special exception. Since it is by special exception the board and council would be able to place conditions on any approvals. Land Use and Park committee has approved this proposal also.

Made by Dill, seconded by Mazzola.

MOTION: TO RECOMMEND APPROVAL PROPOSED ORDINANCE AMENDING SECTION 27-226 TO ALLOW DAY CARE FACILITIES IN THE C-2 AND C-3 ZONING DISTRICTS.

Roll Call Vote:

Ayes: 7-Moore, Kelly, Frosio, Livingston, Dill, Mazzola, Goodin

Noes: 0

MOTION CARRIED

Comments Mrs. Askew informed the board that the new "Alert Neptune" system for call out for emergencies and community information is up and running. Sign up can be done through the city's website or by filling out a form from City Hall.

Adjournment There being no further business, the meeting was adjourned at 7:37 p.m.

Chairperson Christopher Goodin

ATTEST:

Piper Turner, Board Secretary Date