



MINUTES
COMMUNITY DEVELOPMENT BOARD
June 8, 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 June 8, 2022, at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Bob Frosio, Chair
Greg Schwartzberger, Vice-Chair
Rene Atayan, Member
Tony Mazzola, Alternate Member
Rhonda Charles, Alternate Member

The following staff members were present:

Samantha Brisolara, Community Development Director
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 6:00 p.m.

Minutes

Made by Schwartzberger, seconded by Mazzola.

MOTION: TO MAY 11 AND 23, 2022, MINUTES AS AMENDED.

Roll Call Vote:

Ayes: 5-Schwartzberger, Charles, Atayan, Mazzola, Frosio

Noes: 0

MOTION CARRIED

June 8, 2022

Swearing in Mr. Roth, City Attorney, asked anyone appearing before the board tonight to raise their right hand to be sworn in.

Variance application 207 Cedar St V22-07 V22-07 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Robert and Lynne Allen for the property known as 207 Bowles Street (RE# 172622-0000). The request is to vary Section 27-328(2) location of an accessory structure in the front yard and Section 27-329(1) locate of a swimming pool. The request for variance is to build a detached garage and swimming pool in the front yard.

- I. The applicant is requesting a relief from the following Land Development Code provision:
- **Sec. 27-328 (2)**
 - “Accessory structures shall not be located in front yards, exterior side yards or within three (3) feet of any side yard of an interior lot or rear property lines, in any residential district...”
 - **Sec. 27-329 (1)**
 - “Pools, hot tubs, or similar structures shall be located in the side or rear yards...”

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:** “The home was originally built in 1938. When the home was built it was placed deep-set in the back of a large lot and far away from the road. Two years ago, we performed a completed renovation of the home and updated all portions of the home, with the exception of the main structure framing and roof truss system of the home that remained exactly as built in 1938. When we chose to do this, we talked to the city about future improvements, and they had told us if we removed our duplex status and went to single family, they would work with us to improve the home further to include garage and pool. We have a very unique lot that is much deeper than the traditional lots in Neptune Beach, which gives us a larger than normal front yard. When we discussed performing the renovation, we talked about leveling the home and starting new, but felt keeping the charm and character of the original beach home should be kept for nostalgia reasons as well since Lynne Allen is a native Neptune Beach resident.”
 - b. **Staff Response:** Staff finds that the property has unique and peculiar conditions based on surrounding properties in the area. The lot is substantially deeper than the other lots surrounding it, and the rear portion of the house is situated 11’ from the rear property line. Due to the age and placement of the home it is impossible to have a garage in the rear or side yard.

2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**
 - a. **Applicant Response:** "We are not asking to exceed any setbacks or even extend beyond the allowable lot coverage. Thankfully our lot allows us to stay within the previous limits and setbacks and still gain what we are looking to achieve. We are asking for the variance to allow for an accessory structure in the front yard and not attached to the existing home. This can be seen and represented by another home in Neptune Beach at 207 Walnut where the owner has a three-car garage in the front of the property on the road, a pool in the middle and home located in the back of the property."
 - b. **Staff Response:** Without the variance, the property has no further ability to be improved upon. The variance request is the minimum necessary to allow improvement of the land.

3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**
 - a. **Applicant Response:** "There would be no adverse effect to the public and we have had several conversations with many of our immediate neighbors to inform them of our plans to request the variance. They are all thrilled with our proposed improvements & we have had no one thus far oppose the proposed plan as we are not asking to exceed any code limits with regards to size, setbacks or coverage. The improvements will only add value to our nearby and adjacent properties aesthetically as well to the city."
 - b. **Staff Response:** Staff finds that the variance would not adversely affect adjacent and nearby properties. The request to place the garage in front of the home with the pool situated behind the proposed garage, provides an additional safety barrier beyond the required 4' fence per Florida Building Code regulations.

Additionally, the addition of a pool and garage will increase the property's value and positively impact the surrounding property values.

Since no encroachments into the setbacks are being requested, the impact to adjacent properties is minimal.

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:** "The variance would not diminish the value of the home but rather improve the value, by adding the garage and pool. Our plans as you see attached by Architect Julianne Overby, have already considered the setback rules, lot coverage rules as well as allowed size of the accessory structure. Our goal was to maintain the look and charm of our home which is a cedar shake and batten board beach elevation. Also, the garage is situated to give us the structure we want, but not diminish from the front elevation of the main home which is located in the back yard. Curb appeal and beach character is important to our design. Again, the improvements will only add value to our property as well as nearby and adjacent properties."

- b. **Staff Response:** Staff finds that the proposed variance will increase property values as the use of the land is more efficiently utilized.

Further, the pool is proposed as being situated behind the garage. This keeps the existing character of having a structure in front of a pool. The garage in front of the home is consistent with other homes in the area. Narrow properties like those on Midway St. and the house to the immediate left of the subject property have garages located in the front of the home.

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:** "The proposed variance will maintain the harmony of the ULDC by staying within many of the main codes keeping those looking to exceed building restrictions that have been put in place. Such as size, lot coverage, setbacks, height limits and safety. It also, will not diminish the value of the property, it will actually improve the value and as a result improve the value for the surrounding homes."
- b. **Staff Response:** Staff finds that the general intent of the ULDC is maintained through adhering to the code requirements outside of the placement of an accessory structure.

Further, the location of the pool behind the garage keeps the standard of ensuring the pool will not be a visual focal point in the front yard.

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:** "We did not create this variance need. Our home has a unique lot layout originally from 1938 and how the main home is situated has left us no other choice than to request the variance to allow for functional use of the property."
- b. **Staff Response:** Staff finds that the variance request is not based on the actions of the property owner, but the original property layout. While there is no absolute necessity for a garage or pool, the ability to improve the property beyond its current state and positively impact the adjacent property values would be limited without a variance.

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:** "Our variance request will not confer any special privileges, as there is already a home with a similar lot layout as the one, we are requesting in our request. 207 Walnut St has a very similar lot set up as ours, where they have a three-car garage in the front of the property,

pool between the garage and the main home which sits in the back of the lot. The variance will allow us to utilize and improve the unique lot situation we have. This will give our family the much-needed garage space and a pool so our young children can enjoy our property for years to come as this is our forever home."

- b. **Staff Response:** Staff finds that the variance request will not confer upon the applicant any special privilege that would be denied by the ULDC to other properties in the same zoning district.

While there have been requests for pools in the front yard in the past, this request is set apart based on the addition of a garage to aid in visual obstruction of the pool as well as ensuring the general character of the zoning district and intent of the ULDC is met.

CONCLUSION: Staff recommends approval of V22-07 based on the findings above.

Mr. Robert Allen, property owner, addressed the board. He stated that they had renovated a 1930's duplex into a single-family dwelling. Would like to do a detached garage closer to the street with a swimming pool between the existing house and the new detached garage. The kids have outgrown the playset and a pool would be something they would enjoy. Have spoken with the surrounding neighbors and no one spoke against it.

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

Board questions for the applicant:

Mrs. Atayan: Walked by the property and the location makes sense. The house can not be moved forward. The pool behind a garage makes sense and would look beautiful.

Mr. Mazzola: Are there any other pools in front yards?

Chair Frosio: Is this a one car garage? Yes.

Made by Atayan, seconded by Schwarzenberger.

**MOTION: MOVE TO APPROVED VARIANCE APPLICATION V22-07
BASED ON THE FINDING OF FACT.**

Roll Call Vote:

Ayes: 4-Schwarzenberger, Charles, Atayan, Frosio

Noes: 1- Mazzola

MOTION CARRIED

ULDC
Final Review
of the Draft

Board discussion and review of the final draft of the Unified Land Development Code Revisions.

Chairperson Frosio opened the floor for public comments for concerning the land development rewrite.

Randy Osborn, 2100 Florida and 2107 Poinciana Rd, owns commercial property in the Brewhound area of town. Concerned about how Dover Kohl loves Brewhound and there are 100 to 150 cars there every weekend. It is really a bar where you bring your dogs. Where are the cars going to park with the new artisan concept? What is the plan for the NC overlay?

Chuck McCue, 1908 Third St, agrees that Brewhound is a bar first and a place bring your dogs second. Why are we expanding this area? We do not need a new Town Center area at the end of Atlantic and Florida Blvd Was for the apartments planned for 500 Atlantic Blvd. this would keep the new residential on Atlantic Blvd.C-1 would like to see changes with daytime businesses. The dirty side of the businesses would face westward. Trusts the Community Development Board and what they recommend to City Council and hopes Council will that it seriously.

There being no further comments, public hearing was closed.

Samantha Brisolara, Community Development Director, stated the purpose of the meeting to discuss the changes for the final draft of the proposed Unified Development Code rewrite. There will be a change to the zoning map, as one block in the NC overlay was split in half. The proposed change is to include the entire block. She went through the changes made and the board discussed them.

Section 17-48 added language: "and trucks serving items consumable or useable by animals"

17-48(1) c- Added language to prevent daily operation of food trucks on private property

17-48(2)a- Added language "with appropriate permits"

17-48(4)- Added language "and or other items for human or animal consumption or use."

27-6-Removed language regarding Article IV-B (cannabis dispensing businesses) as this has been consolidated into Article IV

27-15-Definations; clarified "building addition"; food truck, added definitions for: green space, remodel, and renovations

27-39(4)- revised language to read "more than one parcel"

27-66(b)- revised to state city council shall review all variances affecting more than one parcel of land

27-153(a)(3)-Added language stating "any person deemed a party intervener or similar status under applicable rules by the CDB."

27-163(a)(3)-Added language stating "any person deemed a party intervener or similar status under applicable rules by the CDB

27-226(h)-No changes made; Left highlighted for easier reference if council decides to remove uses

27-227(5)(a) 2-Changed required seating capacity from 30 seats to 150 seats to be consistent with §4-4(d) (Alcoholic Bev. Chapter)

27-227(5) (b&c)-No changes made; Left highlighted for easier reference if council decides to remove uses

27-231(c)(3) -Added C-2 as it also requires 70% frontage build-out based on table 27-239

27-237-Added caveat that the required architectural elements are excluded from the Building Area Requirements

27-237(b)-Removed mention of wholesale warehouse in C-1, and added language to prevent structures having more than 100 linear feet of frontage without a 10' separation

27-237(11)-added the FAR exclusive of the required architectural elements for the RC Overlay only. This does not make sense for the parcels zoned R-4 located west of 3rd.

27-239(c)(1)-Added provision that all structures in residential zones and residential structures in the CBD having pitched roofs shall be no higher than 30' as measured to the highest ridge of the structure and commercial structures shall not exceed 35' in height as measured to the highest point of the structure excluding the exceptions in subpart b. Revised A-Frame structures to be measured from 18' for consistency

Table 27-239-removed development standards for R-5 to meet the requirements of the RC Overlay. (There are no parcels zoned R-5 near the RC overlay so there would be a mismatch of architecture between the parcels surrounding the R-5 zoning district.

27-243(b)(2)- removed minimum slope for roofs to allow for more architectural variety.

27-245(e)- Removed special exception language and further clarified that or combination of uses permitted by right or by special exception in the C-3 zoning districts shall be included in the application for a PUD.

Deleted: ¶
27-245(d)- Added language to clarify that transient and non-transient lodging facilities are included in prohibited uses within a PUD.¶

27-245(f)-Included language to require a Development order Open application and subdivision application as outlined in Article II of the code.

27-245(f)(1)-Removed the metes and bounds language.

27-245 (g)&(h)-removed "special exception"

27-246(5)-removed minimum slope for roofs to allow for more architectural variety.

27-476-Format alignment of item

27-476-Add "No new alleys shall be dedicated to the City" to item M.

27-540-Change item (c)3 "Reduction for mixed or joint use of parking spaces," from community development board "approval" to "review." Add "except in central business district" to item (d)1, "Credits for on-street parking."

27-542-Specify powder-coated aluminum in item (c) 8 regarding bicycle racks.

Board discussion on the C-1 zoning district.

Made by Mazzola.

Motion: NO CHANGES TO C-1.

Died for lack of a second.

Board discussed the changes proposed for the C-1 zoning district and came to consensus for each item shown in blue.

Permitted uses. The uses permitted within the C-1 zoning district shall be:

a. Business and professional offices including, architects, accountants, doctors, dentists, miscellaneous health offices and clinics, veterinary clinic, and legal services **Ok**

b. financial institution, insurance, and real estate offices **Ok**

c. Personal service establishments as follows: laundry, cleaning, and garment services; photographic studios; beauty and barber shops, day spa, nail and waxing salon; shoe repair ~~and miscellaneous personal services including tattoo establishments~~

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; cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies). ~~Strike cleaning and janitorial, move miscellaneous personal service to special exception~~

Deleted: janitorial

d. Retail sales, ~~package liquor store, and pharmacy. Remove package liquor store and pharmacy and move retail sales to by special exception. Add for hours of operation also.~~

Deleted: . Add a definition of Personal miscellaneous services. ¶

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e. Dance, art, dramatic, gymnastics and music studio **Move to by special exception.**

f. Travel agencies. **Ok**

g. Photographic studios;

Deleted: Delete

h. Public Park/recreation area; **Ok**

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i. Library, museum, and art gallery. **Ok**

Uses by special exception.

a. ~~Interior service restaurant, carry-out and delivery restaurant.~~ **Remove**

- b. Parking lot (not associated with any business) **Add not to include parking structure, multiple level structure, and add a definition to 27-15**
- c. Government uses, buildings and utilities, **No change**
- d. Primary/secondary Education Facilities; **Only the labels were change, Ok**
- e. ~~Indoor recreation, amusement, and entertainment (including theater, and private clubs)~~ **Remove**
- f. Worship facility and childcare associated with facility; **Ok**
- g. ~~Social, fraternal club, lodge, and union hall;~~ **Remove**
- h. ~~missing, readjust lettering~~
- i. Accessory structures and uses for storage as defined by article V. **Ok, move to be h.**

Add by special exception: Miscellaneous personal services (not i **Formatted: Font color: Blue**
tattoo establishments and add a definition of Personal miscellaneous
services.

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Section 27-227 Special restriction and conditions:

(5) ~~b. Interior service restaurant: With the exception of C-1, out~~ **Formatted: Strikethrough**
~~may be permitted by right or as a special exception in commercial zoning~~
~~districts, and shall only be provided in a controlled area, attached to the main~~
~~interior service area and shall also be situated in a manner that allows for~~
~~unimpeded pedestrian access along adjacent sidewalks or pedestrian ways.~~
Remove

(5) ~~e. In the C-1 zoning district, operations for interior service rest~~ **Formatted: Strikethrough**
~~be limited to the hours of 7 am to 10 pm.~~ **Remove**

(6) Retail, general:

~~Create F to include hours of operation for retail business. Restrict retail~~ **Deleted: a-**
~~retail and operations between 10 am and 8 pm. Add definition for Boutiq~~ **Deleted: c**
~~that it is further defined.~~

Made by Atayan, seconded by Mazzola.

MOTION: TO RECOMMEND THE AGREED UPON CHANGES TO C-1.

Approved by consensus.

Mrs. Brisolara continued the presentation.

27-231(3)-The front yard shall be considered the area directly situated in front of the primary façade of the structure.

Table 27-239-removed note 2: "the R-5 district and"

Added note 14: 14 Multifamily residences on lots less than on-half acre shall only utilize a maximum of 70% lot coverage.

Table 27-239 Note 10: The board discussed the proposed change for the area for duplexes from 8712 square of land to 8000 square feet or 4000 square feet of each unit if divided into two fee simple lots.

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Made by Frosio, seconded by Mazzola.

MOTION: TO RECOMMEND CHANGING THE MINIMUM LOT SIZE FOR DUPLEXES BACK TO 8712 SQUARE FEET.

Approved by consensus.

Chairperson Frosio opened the floor for public comments.

Shellie Thole, 124 Margaret St, stated she still did not understand PUD. PUD can be used to create whatever the board and Council wants. Ask yourself what is the worst case that could happen if you have them?

No further comments, the floor was closed.

Made by Mazzola, seconded by Charles.

MOTION: MOVE TO APPROVE STAFF'S RECOMMENDED LAND DEVELOPMENT CODE SUBJECT TO THE REVISIONS MADE BY AND PASSED BY THE BOARD.

Roll Call Vote:

Ayes: 5-Mazzola, Schwartzenberger, Charles, Atayan, Frosio

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting was adjourned at 8:23 p.m.

Robert Frosio, Chairperson

ATTEST:

Piper Turner, Board Secretary