



**MINUTES**  
**COMMUNITY DEVELOPMENT BOARD**  
**May 12, 2021 AT 6:00 P.M.**  
**COUNCIL CHAMBERS**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

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Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held on May 12, 2021 at 6:00 p.m. in the Council Chambers.

Attendance                Board members were in attendance:  
                                 Christopher Goodin, Chair  
                                 Nia Livingston, Vice-Chair  
                                 Charles Miller, Member  
                                 W. Jeremy Randolph, Member  
                                 Aaron Evens, Member  
                                 Bob Frosio, Member  
                                 Jonathan Raitti, Alternate Member (arrived at 6:04)

                                 The following staff members were present:  
                                 Zachary Roth, City Attorney  
                                 Stefen Wynn, City Manager  
                                 Kristina Wright, Community Development Director  
                                 Piper Turner, Code Compliance Supervisor

Call to  
Order/Roll Call           Chairperson Goodin called the meeting to order at 6:00 p.m.

Minutes                    Made by Miller, seconded by Randolph.

**MOTION:                TO APPROVE THE APRIL 14, 2021 MINUTES AS**  
**SUBMITTED.**

Roll Call Vote:  
Ayes:     5 -Miller, Randolph, Frosio, Livingston, Goodin  
Absent: 1-Raitti

**MOTION CARRIED**

V21-06 133 Lora  
& 1701 First St  
Floor Area Ratio  
& Lot coverage

V21-06 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Rudolf and Heide Lowey-Ball for the property known as 133 Lora and 1701 First Street (RE#173719-0000). The request is to vary sections 27-237(4) Building Area Requirements, 27-238(4) and Table 27-229-1 Maximum lot coverage for the R-4 zoning district. The request is to build two second story balconies on the west side of the structure.

Kristina Wright stated the applicant is seeking a FAR variance to exceed 65% to build cantilevered 2<sup>nd</sup> floor balconies to allow them to build the additional two (2) balconies. Code provides a porch allowance of 220 sf or 4% of the total lot area. The request is for a total of 228 sf between the two porches. This results in an excess of 8 sf or .14%, and factoring in that the property is already exceeding the maximum allowable FAR by 17 % (82% total before the addition of the porches, and 86.14% total proposed with the porches, the amount of allowable development has been significantly exceeded even prior to the variance request.

Further, according to **Sec. 27-237(4) Building Area Requirements:**

*Additionally, principal buildings in this district, including accessory buildings, are limited to a maximum floor area ratio (FAR) of sixty-five (65) percent of the total lot area. The FAR is calculated by dividing the gross floor area by the total lot area. (refer to Figure 27-222-1 [at the end of article IV]). Attached porches, balconies, or similar structures also may be allowed in addition to the maximum FAR ratio; provided, however, they are limited to a total of four (4) percent lot coverage, a minimum of six (6) feet deep, and a maximum of two hundred fifty (250) square feet in size.*

The Applicant has submitted a diagram indicating the extent of porches on properties throughout the neighborhood. The Code already provides an extra allowance for porches and in this instance the bonus for the addition of an additional porch has already been exceeded.

**Property Analysis:**

	Square Footage	Percentage %
Lot Size	5500	100%
House 1st floor	2254	
Screened Patio	245.38	
Pavers (600 credit)	470.9	
AC Pad, stoop	42	
Total Existing	2766.9	50%
FAR Maximum	3575	65%
Existing FAR	4508	82%
Existing FAR Overage	933	17%
Proposed Porch Amount	228 (168+60)	4.14%
Porch Allowance	220	4%

The Applicant indicates in a written narrative:

*I am asking to install a new fence and gates just like the one I currently have, but taller. Activity behind my home is constant and bothersome. Bright lights and large trucks are the norm during all hours of the night. The grade of the street behind my home is taller requiring the need for a taller fence. Beaches Chapel is utilizing the easement significantly more than in past years. I will install more bushes, but I have double gates and a standard entry gate. I need to use the gates for access.*

**Required findings needed to issue a variance in Section 27-147 explain the following**

- A. How does the property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner's own action.**

*According to the applicant, the house was originally built about 1959 and was renovated in the 2000s. The applicant is seeking to add architectural interest to the façade using balconies to overcome the original "square boxy style." The applicant further states that the new balconies would add an architectural detail that mitigates the very boxy look that makes it look large on the lot; however, staff contends that this would make the property appear even larger on the lot. Further, the applicant has not demonstrated a unique hardship for a property that has already greatly exceeded the amount of allowable floor area ratio.*

- B. How is the proposed variance the minimum necessary to allow reasonable use of the property** *the applicant states that the north 4' wide balcony needs to extend the 15' to allow use of an existing window as the exterior door. Further, the south balcony needs to be this size to allow the cantilevers to attach to the house to allow the porch door to open and allow cars in the garage. However, staff contends that this does not affect the reasonable use of the property and not only is the existing FAR already significantly exceeded at 82%.*

- C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**

*The applicant states that these balconies do not encroach on any other properties and these balconies all fall within the setbacks for this corner lot. Further, the applicant states that they have asked all neighbors within 1 block for approval, and the petition has been attached. However, staff contends that this could set a precedent to extensively exceed the allowable amount of FAR that ignores/disregards the provisions of the LDC.*

- D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.**

*The applicant states that the balconies are in character with the new houses being built in Neptune. Most multi-story houses in our neighborhood has balconies. The Code provides an additional 4% to allow for balconies; however, the amount of FAR has already been significantly exceeded.*

- E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.**

*The applicant states that the general intent of the LDC is to mitigate the boxy buildings that are neighborhood unfriendly. Further, the applicant states that the balconies increase the neighborliness and decrease the boxy look. However, the LDC makes provisions to establish the maximum amount of coverage and Floor Area. The existing FAR without granting the variance request is already 82%*

- F. Explain how the need for the proposed variance has not been created by the applicant or the developer.**

*The applicant states that they did not live here when the house was built or remodeled. However, the request is being made that is creating the circumstance for the proposed variance.*

**G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings, or structures in the same zoning district.**

*The applicant states that the other properties have 2<sup>nd</sup> floor balconies, and this would bring the house up to date on current architectural designs in Neptune. However, a granted variance would provide a special privilege to exceed the requirements of the LDC, denied to other lands, buildings, or structures in the same zoning district.*

**Recommendation of staff:** Staff recommends denial of application V21-06 for 133 Lora Street.

Mr. and Mrs. Lowey-Balls, property owner, appeared. Stated they had moved to Neptune Beach in 1986 and have been living in this house since 2016. Lives on the second floor and rents out the first-floor unit. There is no outdoor living space from the second floor. Balconies are everywhere on First Street. The proposed deck facing First Street needs to be that wide in order to accommodate the garage below. The owner asked if they could amend their request to eliminate the rear deck if the board was having trouble approving the entire request.

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

Question from the Board to the staff:

Are the new houses being built that have balconies do they comply with the code? Yes, as balconies and lot coverage must be in compliance with the code.

Will the code rewrite address balconies? If the new code were to eliminate the floor area ratio requirement then it would be allowed.

Would eliminating the rear deck bring the property into compliance? The request would 17.3% for a total of 85%, a 3% increase instead of 4%. The existing structure is currently at 82% FAR.

The City Attorney reminded the board that Section 27-706 that when a non-conforming property is being expanded the code required them to come into compliance.

Made by Miller, seconded by .

**MOTION: TO DENY VARIANCE REQUEST V21-06 FOR 133 LORA STREET.**

Roll Call Vote:

Ayes: 4-Miller, Raitti, Livingston, Goodin

Noes: 2-Randolph, Frosio

**MOTION APPROVED AND VARIANCE DENIED.**

Application  
for removal  
of Heritage  
Tree Lot  
13-B  
Mocama  
Marsh

CDB21-01 Application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Leigh Broward and transferrable to Myron Blankenbaker for the property known as 13-B Mocama Marsh Forest Oaks Drive RE# 177653-1110. The applicant is requesting to remove one (1) heritage trees in the building footprint per section 27-448(e).

The applicant is seeking to build a single-family home within the buildable area. As such, the applicant is seeking approval to remove one (1) Heritage Oak tree. Currently, the property is vacant. Staff has the authority to only approve the **non-heritage Oaks**

when they are within the proposed building footprint; however, this is a heritage tree requiring CDB approval. The proposed Live Oak Heritage tree is within the buildable area that the applicant contends will drastically restrict the buildability of the site. Per our code, all Live Oaks over 30" in diameter are considered heritage trees. The proposed tree for removal is a 35" Live Oak tree.

Further, in 2019, the property was split and the Mediated Settlement Agreement (see attached) was created providing parameters more specific than those within our current code. The Mediated Settlement Agreement and plat include the following language:

*All existing trees located on Lots 13A and 13B, regardless of size, species, or location, shall preserved or mitigated pursuant to Sec. 27-460 of the Code and incorporated provisions.*

If the applicant is granted permission to remove a 35" Live Oak tree, Section 27-448 (d) of the code authorizes the CDB with the authority to approve the removal of the trees if they are replaced on an inch for inch basis or the applicant can pay per caliper inch if the Community Development Board authorizes the removal of the 35" Heritage Live Oak Tree. Section 27-448 (e) of the Unified Land Development code requires that the CDB must review all applications for champion and heritage tree removal. Heritage trees are considered regulated trees and their removal shall be strongly discouraged (27-448 (c)).

Further, Section 27-448 (d) states that, "Any permission given for the removal of any heritage or champion tree that is healthy and that is not causing structural damage, whether this permission is through an approved development plan or through the issuance of an arbor permit, will require replacement on an inch-for-inch basis, measured per specifications of section 27-445. Trees may be planted on-site or off-site or given to the city for planting on public property."

### **Recommendation**

Staff recommends denial of CDB 21-01 for 1235 Forest Oaks Drive to preserve the existing 35" Live Oak tree.

Mr. Blankenbaker, potential property owner, stated his is downsizing and is looking to building a smaller home in Neptune Beach. This property had serious restriction put in place in May of 2019. Such as no windows on the south side of the property, balconies, and those kinds of things because it was a negotiated settlement between the City and the current owner. I can design a house that complies with those restrictions if you will allow me to take down this beautiful tree, maintain the other trees to the best of my ability. Believes in protecting the tree canopy. There are 23 trees on the property including a very large magnolia tree. If you build behind the Live Oak to the west you would have to cut the roots which go way out, you cannot cut outside the canopy. Also, the branches would be hanging over the house. The arborist validated that if the roots were to be cut then the tree would die.

This property is in a flood zone due to Hopkins Creek to the east. If the tree can not be removed then instead of a one-story house it would have to be a two-story instead. The plan is to build a one-story to match the house being built to the north.

The board asked Mr. Blankenbaker if he can to replace the tree onsite or pay the mitigation fee. Probably a combination. It really depends as there are so many trees on it now. There is not a lot of room. I do recognize there is a penalty for this.

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

The City Attorney explained previously there was a single-family house on the entire property and the City requested it to be demolished based on the condition of the structure. The parties went into an agreement when the owner request to subdivide the parcel into 2 parcels. There is an agreement in place which requires all existing trees to be preserved or mitigated pursuant to Section 27-480.

**MOTION: TO DENY CBD 21-01 REQUEST FOR THE REMOVAL OF A HERITAGE TREE.**

Made by Raitti, seconded by Livingston.

Roll Call:

Ayes: 1-Raitti

Noes: 5-Randolph, Miller, Frosio, Livingston, Goodin

**MOTION FAILED.**

**MOTION: TO APPROVED CDB 21-01 REQUEST FOR THE REMOVAL OF A HERITAGE TREE.**

Made by Livingston, seconded by Frosio.

Roll Call:

Ayes: 5-Randolph, Miller, Frosio, Livingston, Goodin

Noes: 1-Raitti

**MOTION APPROVED**

First Draft of  
2021-2046  
Comp Plan

Review of the first draft of the 2021-2046 Comprehensive Plan, to later be known as Ordinance 21-03, along with the Future Land Use Map for The City of Neptune Beach, Florida. The Comprehensive Plan as Ordinance 21-03 and accompanying Future Land Use Map to be considered for transmittal by City Council at a later date as required by Florida State Statute, followed by the consideration of adoption by City Council following the review by the State of Florida.

Kristina Wright thanked everyone for coming out. It is important to emphasize this level. We're now engaged in the plan. This is intended to be a very macro level document and we are addressing a lot of the legislative change at the state level. We are encapsulating what we have now and getting the foundation, the policies in place, the vision of the community moving forward. We want to promote quality, resiliency and implement policies that are going to reduce our level of vulnerability. There is a lot of areas that are being carried over, tonight you really want to kind of focus on the ones that expressing our community. This is primarily in the change in the future land use and conservation management sections. Will go over a brief overview of some of the changes. As a deeper discussion will be at next Monday's workshop. We are looking at a transmittal hearing for the City Council in several weeks.

For the Conservation and protection of natural resources and hazard mitigation the first thing is to implement a perforate resilient development plan and advance the City's ability to implement floodplain management. Begin long range planning efforts, to avoid possible deviation and storm events. Beginning to take a look at how some of these things will look like within the 30-year projection. Looking at things that are much more responsive and restrictive.

In terms of the future land use element we looked at updates to the land use map and objectives and policies. There have been changes made to the map such as properties that might have been out of character. Trying to create consistency and include objectives and policies in the foundation for the improvement of older non-confirming properties which recapturing the permeability of the area for stormwater. This is a value and definitely a public health safety welfare benefit, something that ready complements some of the larger infrastructure projects that we are able to become more resilient to do.

On the new future land use map the Town Center is shown in purple with two additions, Bank of America and a block along the west side of Third Street. Consistency is going to the key for us.

Chairperson Goodin opened the floor for public comments.

Henny Schoonover, 214 Oceanfront, their property has always been in the Center Business District and is between Orange and Lemon on the Ocean. There have always been residential homes with neighbors trying to build commercially on that street. The infrastructure layer it not there or anything that reflects the central business district. Years ago, our neighborhood came and we requested that the zoning be change and the City Council granted that and for seven years we thought we were residentially zoned when we were not. Can you change the zoning for the residential in the CBD?

Elaine Hall, 628 Second Street, looking as A.1.4.2 you have traditional residential one, two and three. What and where are they? It doesn't make any sense. The reason for my question is why are some classified as traditional residential and some our suburban residential 1, 2, and 3? What are the density limits per gross acre?

George Schoonover, 214 Oceanfront, asked that the 200 block of Oceanfront be changed from commercial to residential.

Scott Wiley, 723 Davis St, this does not mention PUD's and what will happen when property is redeveloped. Understands there is a moratorium in place right now but if this is adopted will it be addressed. Ms. Wright stated that would be address in the rewriting of the land development code.

Kathy Lahr, 2035 Cherokee Drive, is confused because they thought we had R-1 through R-5 and it goes from low, medium to high densities with R-5 being the highest. Thought the City was doing away with the form-based code. Ms. Wright stated that the changes are in the labels, they are more contemporary, more responsive There are a number of possible format that are being considered. This will be addressed in the zoning code.

Mark Masters, 120 Cherry St, asked why the Bank of America and one block on the west side of Third was being change from a low density to a high density? If you do that could it become residential? No one wants high density rentals.

Linda Quinn, 115 Orange St, asked if Orange Street would be change to commercial zoning? Only the bank property.

There being no comments the public hearing was closed.

Ms. Wright stated the housing element would focus on the middle and missing housing types. Tiny homes are an option to provide missing middle housing choices and to promote a reduction in vehicle miles traveled. That's a whole big piece of what the vision plan was about.

The board discussed the plan. They are to email staff any questions comments or concerns that they would staff to address at the next meeting.

Chairperson Goodin thanked the public for coming and participating.

Open  
Discussion

The next board meeting will be June 16, 2021 at 6:00 pm.

Adjournment

There being no further business, the meeting adjourned at 7:48 p.m.

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Christopher Goodin , Chairperson

ATTEST:

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Piper Turner, Board Secretary