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|  | **MINUTES****COMMUNITY DEVELOPMENT BOARD****SEPTEMBER 22, 2021 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 on September 22, 2021 at 6:00 p.m. in the Council Chambers. |
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| Attendance | Board members were in attendance: Christopher Goodin, Chair Nia Livingston, Vice-ChairAaron Evens, MemberNia Livingston, MemberJonathan Raitti, MemberBob Frosio, MemberGreg Schwartzenberger, Alternate Member |
|  | The following staff members were present:Zachary Roth, City Attorney |
|  |  | Kristina Wright, Community Development DirectorPiper Turner, Code Compliance Supervisor |
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| Call to Order/Roll Call | Chair Goodin called the meeting to order at 6:00 p.m.  |
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|  Ex-part Communications |  |
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| V21-10 Application for Variance100 Lora St & 1632 Strand | V21-10 Application for variance as outlined in Chapter 27, Article III Division 8 of the Unified Land Development Code of Neptune Beach for Eric W. Mott for the property known as 100 Lora Street and 1632 Strand (RE#173099-0000). The request is to vary section 27-238(4) and Table 27-229-1 The request is to expand the second story balcony on the east side of an existing duplex structure.  |
|  | Kristina Wright stated that the applicant is seeking  |
|  | The Applicant indicates in a written narrative: |
|  | **Required findings needed to issue a variance in Section 27-147 explain the following**  |
|  | 1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**

*The applicant states that the proposed variance will not adversely affect adjacent or nearby properties or the public in general since the applicant states that there are no landowners behind his property other than the water plant.*1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**

*The applicant states that the proposed variance will not diminish property values nor alter the character of the area since the applicant states that this is just a fence. Further, the applicant believes that if anything, the fence will increase values since the fence will be an expensive wood fence.* 1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.**

*The applicant believes that the proposed variance is in harmony with the general intent of the Unified Land Development Code since the applicant explains that the proposed fence is a simple fence that is a little taller than most. However, the Code requires a six (6) foot height limit for fences and therefore the request exceeds the limit of what is allowed by Code.*  |
|  | 1. **Explain how the need for the proposed variance has been created by you or the developer?**

*The applicant believes that the need for the proposed variance has not been created by the applicant since the applicant explains that this issue has been discussed before. The applicant explains that their current six (6) ft. fence doesn’t provide privacy and diminished lighting from plant operations. However, the applicant purchased the property in 2019 with the current six (6) ft. height limit in place, and the water treatment plant and park were already in existence.* 1. **Indicate how granting of the proposed variance will not confer upon any special privileges that is denied by the code to other lands, building or structure in the same zoning district.**

*The applicant believes that the granting of the proposed variance will not confer upon the applicant any special privileges denied by the code to other lands, buildings, or structures in the same zoning district since the applicant states that the other property owners do not have water plant operations in their backyard. However, staff contends that the code requires a six (6) ft. height limit for fences throughout the zoning district.*  |
|  | **Recommendation of staff:** Staff recommends denial of application V21-04 517 Magnolia Street since the property does not abut a commercial property as stipulated by Section 27-330 (a)(1), the Code requires a six (6) ft. height limit, and the property was purchased in 2019 with the water treatment plant and park already in existence. |
|  | Mr. Fredrick Hall, property owner, appeared via phone stated that activity behind his property which is adjacent to Fifth Street and water treatment plant has changed recently due to activity and construction at Jarboe Park. The new park plan will have cars parking in the area behind the fence. The church also uses the area for parking. The neighbor to the south has a higher fence than 6 foot tall.  |
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|  | Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

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|  | Question from the Board to Mr. Mott:  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. |
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|  | Board Discussion: The property is  |
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|  | Made by , seconded by .  |
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| **MOTION:** | TO VARIANCE REQUEST V21-10 FOR 100 LORA STREET |
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| Roll Call Vote: |
| Ayes: | -Evens, Schwartzenberger, Raitti, Frosio, Livingston, Goodin |
| Noes: | 0 |
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| **MOTION APPROVED.**  |
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Applicant was informed there is a 30-day appeal period before they could apply for their permits.

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| V21- Application for Variance 311 First St | V21-11 Application for variance as outlined in Chapter 27, Article III Division 8 of the Unified Land Development Code of Neptune Beach for Robert G. Burt for the property known as 311 First Street (RE#172755-0500). The request is to vary section 27-238 (4) and Table 27-229-1. The request is to replace concrete driveway with permeable pavers. Previous variance to exceed maximum lot coverage was granted in 2012. |
|  | Kristina Write  |
|  | **Required findings needed to issue a variance in Section 27-147 explain the following** 1. **How does your property have unique and peculiar circumstance, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel ant shared by other property owners. The hardship cannot be created by or be the result of the property owner’s action.**

*According to the applicant, the property has a unique and peculiar circumstance since the property already exceeds lot coverage and the amount of lot coverage was already greater than what is allowed within the R-2 Zoning District when the applicant purchased the property. However, staff contends that this lot does not present unique circumstances in that it is similar to other lots in the R-2 District, and the lot’s nonconformity can be remedied to recapture the pervious surface area necessary to bring the lot into compliance and even to add a pool without the need for a variance.* 1. **How is the proposed variance the minimum necessary to allow reasonable use of the property?**

*The applicant states that the proposed variance is the minimum necessary to allow reasonable use of the property since the applicant lives at the beach and believes that a pool is a normal amenity*. 1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**

*The proposed variance will not adversely affect adjacent or nearby properties or the public in general since the applicant states that the swimming pool will meet all the safety requirements and will not be available to the public.* 1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**

*The applicant states that the proposed variance will not diminish property values nor alter the character of the area since the applicant believes that pools increase the value of a home.*1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.**

*The applicant has indicated that the proposed variance is in harmony with the general intent of the Unified Land Development Code since the applicant indicates that pools are a permitted accessory use. However, staff contends that increased impervious surface area that exceeds the maximum allowable amount stands in conflict to the intent of the ULDC for the purposes of stormwater management, resiliency, and sustainability.* 1. **Explain how the need for the proposed variance has been created by you or the developer?**

*The proposed variance has not been created by the applicant since the applicant indicates that the lot coverage exceeded the maximum allowed by code prior to their purchase of the property. However, staff contends that the applicant purchased the property with the current requirements in place. Further, the lot can be remedied to bring the property into compliance that would preclude the need for a variance.* 1. **Indicate how granting of the proposed variance will not confer upon any special privileges that is denied by the code to other lands, building or structure in the same zoning district.**

*The granting of the proposed variance will not confer upon the applicant any special privileges denied by the code to other lands, buildings, or structures in the same zoning district since the applicant indicates that pools are an allowable accessory use. However, other lots within the same zoning district are expected not to exceed the 50% maximum lot coverage requirement.* Staff recommends denial of application V21-05 511 Bowles Street and recommends that the applicant recapture, at a minimum, 672 sf of impervious surface area. 672 sf is the amount that the request to construct a 250 square foot pool would result in excess of the 50% lot coverage maximum due to the excess of 422 sf of impervious surface area that currently exists. This remedy would preclude the need for a variance and would aid the City in achieving its stormwater, resiliency, and sustainability goals.  |
|  | Mr. Famm, the property owner, stated they had moved to the beach recently and did not realize their property was over the lot coverage until they started planning to have a pool built during COVID.  |
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|  | Chairperson Goodin opened the floor for public comments. There being no comments the public hearing was closed. |
|  | Question from the board to Mr. Burt:  |
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|  | The board discussed. |
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|  | **MOTION APPROVED.** |
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| **MOTION:**  | TO VARIANCE REQUEST V21-11 |
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| Made by , seconded by  |
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| Roll Call:  |
| Ayes: | -Evens, Raitti Schwartzenberger, Frosio, Livingston, Goodin |
| Noes: | 0  |
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| **MOTION APPROVED.** |

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|  | Applicant was informed there is a 30-day appeal period before they could apply for their permits.  |
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| Open Discussion | The next board meeting will be October 13, 2021 at 6:00 pm.  |
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| Adjournment | There being no further business, the meeting adjourned at : p.m. |
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|  |  |  Christopher Goodin , Chairperson |
|  | ATTEST: Piper Turner, Board Secretary |  |

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