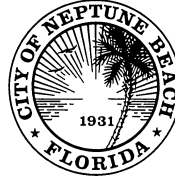




**AGENDA**  
**COMMUNITY DEVELOPMENT BOARD MEETING**  
**OCTOBER 12, 2022 AT 6:00 PM**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FL 32266**

1. Call to Order.
2. Approval of minutes: June 8 and August 10, 2022
3. V22-08 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Scott Sterton and Kelly Erickson, for the property known as 114 North Street (RE# 172651-0000). The requests are to vary Table 27-239 rear yard (request of 6 feet, leaving 9 feet in lieu of the required 15 feet), both side yard setbacks (request of 2 feet each side, leaving 5 feet in lieu of the required 7 feet on each side), lot area (request of 2197.8 square feet, leaving 2158.2 square feet in lieu of the required 4356 square feet). Section 27-237(11) Floor area ratio (request of 25% in lieu of the required maximum of 65% leaving 90%). Section 27-705(2) & (3) Lot size and minimum lot width for non-conforming lots of records. Section 27-236(d)(1) Frontage requirements and standards. Request to vary the one feature requirement. The request for variances is for the redevelopment/construction of new single-family residence.
4. V22-09 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Joy M. Huder, for the property known as 117-119 Oleander Street (173729-0000). The request is to vary Section 27-237(11) Floor area ratio (request of 5.9% in lieu of the required maximum of 65% leaving 70.9%) and Section 27-238 Maximum lot coverage (request of 42.31% in lieu of the required 50% leaving 92.31% impervious). The request for variances are to complete a partially built second story deck over the existing carport. The new deck is larger in size than the original and stairs to be relocated.
5. CDB22-01 Interpretation of Unified Land Development Code concerning porches and garages in the RC Overlay district.
6. Open Discussion.
7. Adjourn.

**Please use code 79KT for parking validation.**



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

Attendance

Board members were in attendance:  
Bob Frosio, Chair  
Greg Schwartzenberger, 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 Schwartzenberger, seconded by Mazzola.

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

Roll Call Vote:

Ayes: 5-Schwartzenberger, 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.

June 8, 2022

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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 pervious 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.”

June 8, 2022

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- 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,

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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 Schwartzenberger.

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

Roll Call Vote:

Ayes: 4-Schwartzenberger, 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.

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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 Brisolaro, 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."

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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 only uses or combination of uses permitted by right or by special exception in the C-1, C-2, and C-3 zoning districts shall be included in the application for 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"



June 8, 2022

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 (not including tattoo establishments); cleaning and janitorial services (no outdoor storage of vehicles, materials, equipment or supplies).~~ [Strike cleaning and janitorial, move miscellaneous personal service to special exception and add](#)
- d. Retail sales, ~~package liquor store, and pharmacy.~~ [Remove package liquor and pharmacy and move retail sales to by special exception. Add conditions for hours of operation also.](#)
- e. Dance, art, dramatic, gymnastics and music studio [Move to by special exception.](#)
- f. Travel agencies. [Ok](#)
- g. Photographic studios;
- h. Public Park/recreation area; [Ok](#)
- 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 including tattoo establishments and add a definition of Personal miscellaneous services.**

Section 27-227 Special restriction and conditions:

(5) b-~~Interior service restaurant: With the exception of C-1, outdoor seating 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 restaurants shall 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 to boutique retail and operations between 10 am and 8 pm. Add definition for Boutique retail so 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 minimum lot 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.

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**

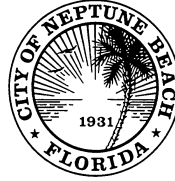
Adjournment

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

\_\_\_\_\_  
Robert Frosio, Chairperson

ATTEST:

\_\_\_\_\_  
Piper Turner, Board Secretary



**MINUTES**  
**COMMUNITY DEVELOPMENT BOARD**  
**AUGUST 10, 2022 AT 6:00 P.M.**  
**VIA VIRTUAL MEDIA**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, the training session members of the Community Development Board for the City of Neptune Beach was held August 10, 2022 at 12:00 p.m. via the internet.

Attendance

Board Members in attendance:  
Robert Frosio, Chairperson  
Greg Schwartzenberger, Vice-Chair  
Renee Atayan  
Jonathan Raiti  
Jeremy Randolph  
Will Hilton  
Tony Mazzola  
Rhonda Charles

The following people were present:  
Zachary Roth, City Attorney  
Rhett Parrott, Ansbacher Law Firm  
Samantha Brisolara, Community Development Director  
Piper Turner, Code Compliance Supervisor

The training was presented to the members of the board by Mr. Roth.

Topics discussed:

Procedures: These have been adopted by the board.	Public and Quasi-Judicial Hearing: The differences were discussed.
Presentations: There must be substantial evidence presented at the hearing.	Order of the Proceedings: 1- Ex-Parte Communications 2- Staff Presentation 3- Sweating in of speakers 4- Applicant's presentation 5- Third Party Intervenors 6- Public Comments 7- Staff rebuttal 8- Party Intervenors rebuttal 9- Applicant rebuttal 10-Board discussion 11-Motion 12-Notice to applicant
Rules of Debate: Roberts Rules of Order	Third Party Intervenor: Someone who has an interest in an application may participate in the hearing provided they have submitted the form before to the

	meeting. The City Attorney to determine the validity of their standing.
Voting: The person making the motion must vote to confirm the motion, the person who seconded the motion does not. The second allows the members to discuss the proposed motion.	Conflicts of Interest: Florida State Statute 112.3143
Removal of Members: Recent changes to the code, places all new members on a one year probationary.	Sunshine and Public Records Law: Meetings are to be open to the public per FS 286.011. This applies to discussions and deliberations as well as meeting where a formal action is to take place.  No requirement in the State Statute for someone to make a request for Public Records in writing. The request does have to be specific, and the municipality can charge for large and labor intensive request. An estimate of the cost required.

Public comment was opened and closed. No public comments were made.

Adjournment

The next regular board meeting will be October 12, 2022 at 6:00 pm.

There being no further business, the training was finished at 7:01 p.m.

\_\_\_\_\_

Chairperson Robert Forsio

ATTEST:

\_\_\_\_\_

Piper Turner, Board Secretary

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** October 12, 2022  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V22-08

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**TO:** Community Development Board  
**FROM:** Sam Brisolaro, Community Development Director  
**DATE:** October 4, 2022  
**SUBJECT:** Variance Request\_114 North St

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- I. **BACKGROUND:** An application for a variance was submitted on September 7, 2022, requesting relief for
- Building on a non-conforming lot of record (§27-705 (b))
    - Min Width Required: 50'
    - Min Lot Size Required: 4,356 sf
  - Side and rear setbacks (Table 27-239)
  - Floor Area Ratio (FAR) (§27-237 (11))
- II. **DISCUSSION:** The nonconforming lot was recorded via deed prior to 1991 based on the Property Appraiser's deed history. The lot is 36.5' x 60' (2,190 sf) which is below the required minimum width of 50' and minimum square footage of 4,356 square feet. Due to the property's size and location to adjacent similar lots, relief is requested for 2' of side setback leaving 5' for each side and 6' of rear setback leaving 9' of rear setback. Further, the applicant is requesting an increase of 28% to the max FAR allowing for 90% FAR to make reasonable use of the lot.
- 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:** “The subject property is an exceptionally small platted lot of record, approximately 35 feet x 60 feet, with a 2-story single family home constructed in 1930. The existing home does not comply with lot coverage or setbacks, is in poor condition, and if destroyed could not be rebuilt according to current code(s).”
  - b. **Staff Response:**
2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**
  - a. **Applicant Response:** “The proposed variance(s) are the minimum necessary to construct a new single-family home which will be consistent with new Neptune Beach code architectural requirements and allow a square footage and configuration consistent with nearby Neptune Beach residential construction. The proposed site plan is reasonable, and any further constraints would potentially jeopardize the project feasibility”
  - b. **Staff Response:**
3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**
  - a. **Applicant Response:** “The proposed variance(s) to allow the redevelopment of this single-family parcel will positively impact the nearby properties, as well as the public in general, as it will replace a 92 year old home with new construction, improve numerous issues, including improvement of lot coverage from 75.3% (current) to 47.8% (proposed), front setback from 4’6” (current) to 10’ (proposed), side setbacks from 2.0-3’2” (current) to 5’ (proposed). Additionally new construction will be to current codes with improvements to safety, energy efficiency, and handle higher wind ratings during hurricanes/storms. All of the referenced improvements will benefit adjacent properties and public.
  - b. **Staff Response:**
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 proposed variance(s) will not diminish property values, rather the redevelopment of 92 year old home with new construction (built to current/updated Neptune Beach code) will increase the property value, while

maintaining the character of the area, pursuant to the recently enacted architectural code requirement(s).”

**b. Staff Response:**

**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(s) are in harmony with the unified land development code as it will bring the site up to the current development code standards of new homes being constructed in Neptune Beach. Conversely, it will remove a home that is not in harmony with the general intent of the current code.”

**b. Staff Response:**

**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:** “As previously indicated, the existing home is 92 years old, in disrepair, and not compliant with many aspects of the current land development code. The proposed construction would be as close to code requirements as reasonably possible, with specific accommodation/relief to allow development of the exceptionally small lot.”

**b. Staff Response:**

**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:** “Granting proposed variance(s) will not confer any special privileges, as the subject parcel is unique and exception in that it is small and redevelopment requires cooperation and relief from unduly burdensome provisions of the code, not typically problematic for residential construction on larger lots.”

**b. Staff Response:**

**IV. CONCLUSION:** Staff recommends approval of V22-07 based on the inability for the property to be further improved without a variance request.

**V. RECOMMENDED MOTION:**



a. I recommend approval of V22-08.

OR

b. I recommend denial of V22-08 based on

# APPLICATION FOR ZONING VARIANCE



THE CITY OF NEPTUNE BEACH  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 116 FIRST STREET  
 NEPTUNE BEACH, FLORIDA 32266-6140  
 PH: 270-2400 Ext 34 or cdd@nbfl.us

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date Filed: 8/31/22	Zoning District: NR-4	Real Estate Parcel Number: 172651-0000
Name & Address of Owner of Record:  Scott Sterton & Kelly Erickson  1412 N 1st St, Unit 202, Jacksonville Bch, FL 32250  Contact phone number# 206-612-3479  e-mail address Scott.Sterton@Cat.com		Property Address: 114 North St  Neptune Bch, FL 32266  Number of units on property <u>One</u>  Have any previous applications for variance been filed concerning this property? <u>No</u>  If Yes, Give Date: _____
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s):  We request relief for the following: 1) Build on nonconforming lot of record, 2) Setback(s) (see proposed site plan), and 3) FAR (see proposed site plan)		
2. Explain the purpose of the variance (if granted)?  The redevelopment/construction of a new single-family residence		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):  A. How does your 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.  The subject property is an exceptionally small platted lot of record, approximately 35 feet x 60 feet, with a 2-story single family home constructed in 1930. The existing home does not comply with lot coverage or setbacks, is in poor condition, and if destroyed could not be rebuilt according to current code(s).		

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

The proposed variance(s) are the minimum necessary to construct a new single-family home which will be consistent with new Neptune Beach code architectural requirements, and allow a square footage and configuration consistent with nearby Neptune Beach residential construction. The proposed site plan is reasonable and any further constraints would potentially jeopardize the project feasibility.

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

The proposed variances(s) to allow the redevelopment of this single-family parcel will positively impact the nearby properties, as well as the public in general, as it will replace a 92 year-old home with new construction improve numerous issues, including improvement of lot coverage from 75.3% (current) to 47.8% (proposed), front setback from 4'6" (current) to 10.0" (proposed), side setbacks from 2.0-3'2" (current) to 5.0" (proposed). Additionally, new construction will be to current codes with improvements to safety, energy efficiency, and handle higher wind ratings during hurricanes/storms. All of the referenced improvements will benefit adjacent properties and public.

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

The proposed variance(s) will not diminish property values, rather the redevelopment of 92 year old home with new construction (built to current/updated Neptune Beach code) will increase property value, while maintaining the character of the area, pursuant to recently enacted architectural code requirement(s).

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

The proposed variance(s) are in harmony with the unified land development code as it will bring the site up to the current development code standards of new homes being constructed in Neptune Beach. Conversely, it will remove a home that is not in harmony with the general intent of the current code.

F. Explain how the need for the proposed variance has not been created by you or the developer?

As previously indicated, the existing home is 92 years old, in disrepair, and not compliant with many aspects of the current land development code. The proposed construction would be as close to code requirements as reasonably possibly, with specific accomodation/relief to allow development of the exceptionally small lot.

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.

Granting proposed variance(s) will not confer any special privileges, as the subject parcel is unique and exceptional in that it is small and redevelopment requires cooperation and relief from unduly burdensome provisions of the code, not typically problematic for residential construction on larger lots.

4. **Required Attachments**-Applicant must include the following: **(INCOMPLETE PACKAGES WILL BE RETURNED)**

A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. **WHICH HAS NOT BEEN REDUCED.**

B. Survey of the property certified by licensed surveyor **dated within one year of application date.** **WHICH HAS NOT BEEN REDUCED.**

C. Copy of Deed

D. Pictures of the property as it currently exists

5. Letter of authorization for agent to make application (Required only if not made by owner)

6. **NON-REFUNDABLE FEE:**  
**\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)**

**NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.**

**\*If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

**\*If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

**I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.**

NAME (S) OF PROPERTY OWNER (S)

Scott Sterton and Kelly Erickson

NAME OF AUTHORIZED AGENT

Ian Brown

ADDRESS OF PROPERTY OWNER

1412 N 1st Unit 202, Jacksonville Bch, FL 32250

ADDRESS OF AUTHORIZED AGENT

1016 Lasalle St Jacksonville FL 32207

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

*Ian A. Brown*

Ian A. Brown

**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

**Ian Brown** \_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF **Scott Sterton and Kelly Erickson** \_\_\_\_\_, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name  
Daytime Telephone Number \_\_\_\_\_ State of Florida  
County of \_\_\_\_\_

Signed and sworn before me on this \_\_\_\_\_ day of, 20\_\_\_\_.

By \_\_\_\_\_

Identification verified: \_\_\_\_\_ Oath sworn:  Yes  No

\_\_\_\_\_  
Notary Signature My Commission expires: \_\_\_\_\_

## SUBMISSION AND REVIEW PROCESS DATES FOR THE COMMUNITY DEVELOPMENT BOARD

Submission of plans by these deadline days **does not** guarantee automatic scheduling of review by the Community Development Board (CDB) for that meeting date. Submission or meeting dates that fall on a City holiday are subject to change. CDB meeting dates are also subject to change. For items that need council approval it will be forwarded to the next available council meeting.

SUBMITTAL DEADLINE FOR APPLICATIONS IS 5PM ON THE 2ND FRIDAY OF THE MONTH PRIOR TO THE BOARD'S MEETING DATE THE FOLLOWING MONTH	CDB MEETING DATE 2ND WEDNESDAY OF THE MONTH AT 6:00pm	CITY COUNCIL MEETING DATES (IF REQUIRED BY CODE)
Fri 02/11/2022	Wed 03/09/2024	Mon 04/05/2022
Fri 03/11/2022	Wed 04/13/2022	Mon 05/02/2022
Fri 04/08/2022	Wed 05/13/2022	Mon 06/02/2022
Fri 05/13/2022	Wed 06/08/2022	Tues 07/05/2022
Fri 06/10/2022	Wed 07/13/2021	Mon 08/01/2022
Fri 07/08/2022	Wed 08/10/2022	Tues 09/06/2022
Fri 08/12/2022	Wed 09/14/2022	Mon 10/10/2022
Fri 09/09/2022	Wed 10/12/2022	Mon 11/07/2022
Fri 10/14/2022	Wed 11/09/2022	Mon 12/05/2022
Fri 12/09/2022	Wed 01/11/2023	Mon 02/06/2023

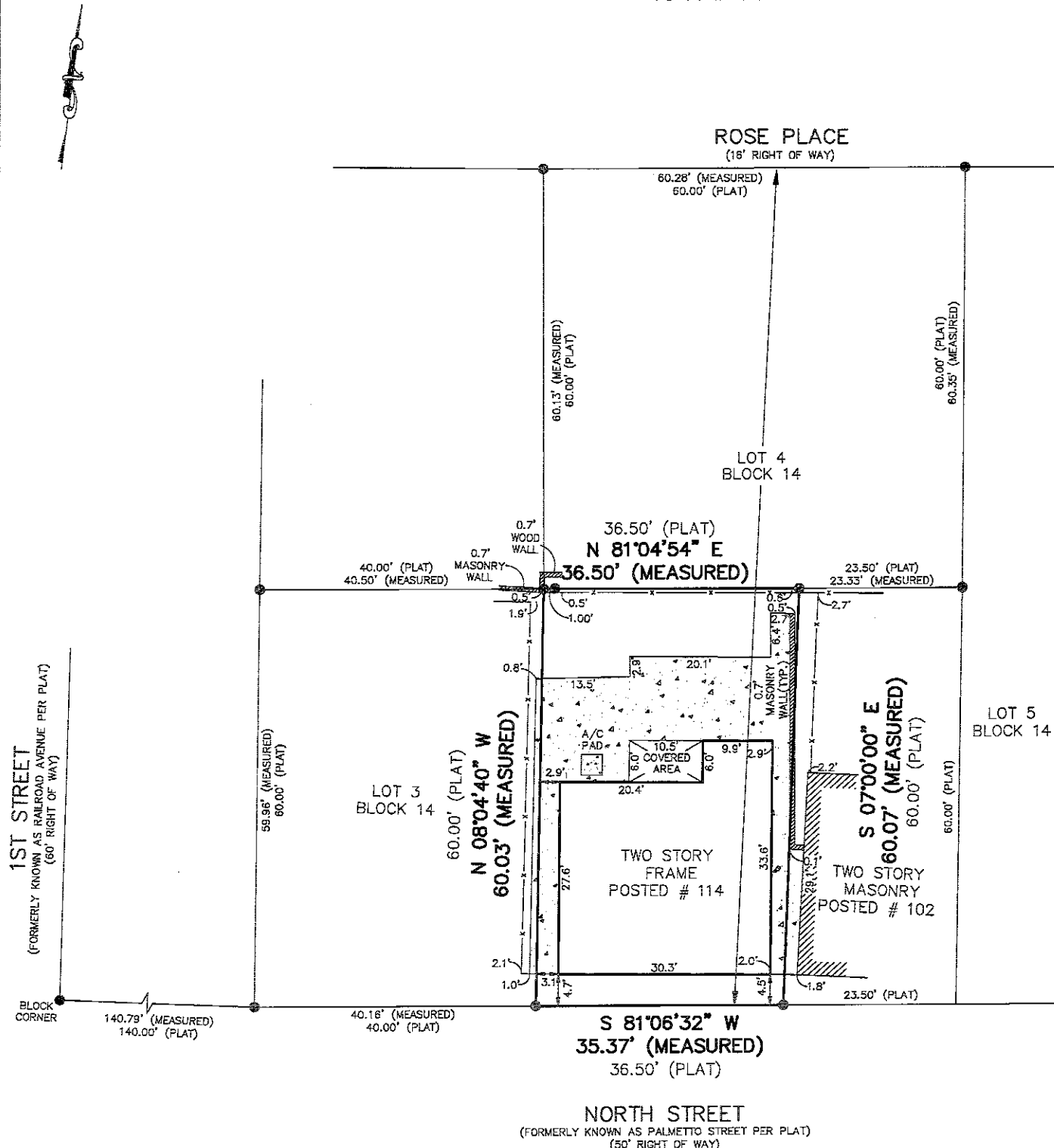
The board does not meet  
in the month of  
December

# MAP SHOWING BOUNDARY SURVEY OF

WEST THIRTY-SIX AND ONE HALF FEET (WEST 36 1/2) OF THE SOUTH HALF (SOUTH 1/2) OF LOT 4,  
BLOCK 14, PLAN OF THE TOWN OF THE NEPTUNE, ACCORDING TO THE PLAT THEREOF, AS RECORDED  
IN PLAT BOOK 2, PAGE 12, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

SCOTT STERTON AND KELLY ERICKSON  
RICHARD T. MOREHEAD TITLE & ESCROW, INCORPORATED  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



**LEGEND:**

- = SET 1/2" REBAR STAMPED PSM#5146
- = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
- = 4"x4" CONCRETE MONUMENT
- A/C = AIR CONDITIONER
- X- = FENCE
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PRC = POINT OF REVERSE CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- ⊙ = CONCRETE



**Ray Thompson  
SURVEYING, Inc.**  
*Going the DISTANCE for You*  
1825 University Boulevard West  
Jacksonville, Florida 32217  
(Phone) 904-448-5125  
(Fax) 904-448-5178

**Richard T. Morehead**  
**Title and Escrow, Inc**  
444 THIRD STREET  
NEPTUNE BEACH, FLORIDA, 32266  
(904)-247-5147 ~ FAX (904)-247-6087

REVISIONS	
DATE	DESCRIPTION

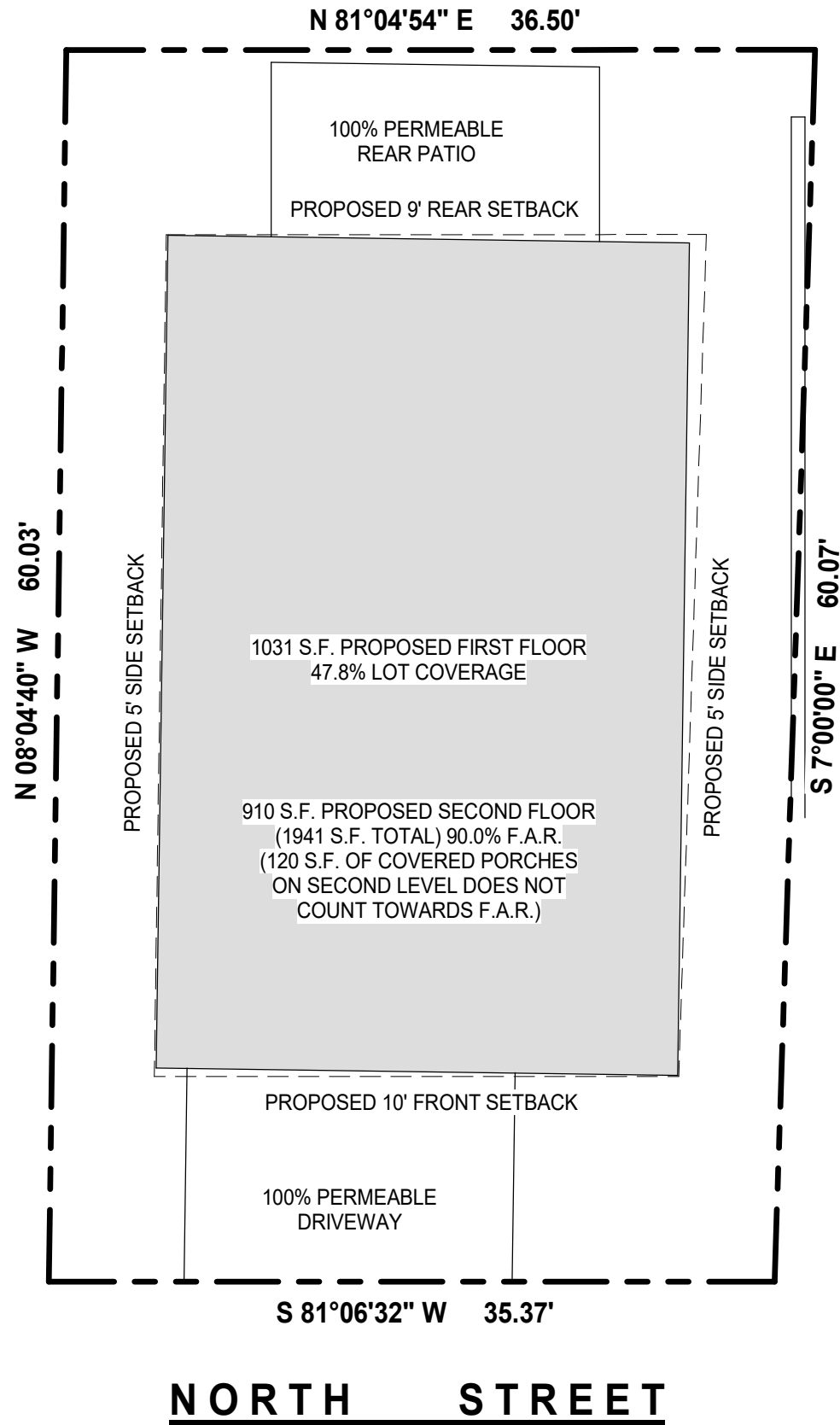
JOB # 43718      DATE OF FIELD SURVEY: 06-09-22      SCALE: 1" = 20'

- NOTES:**
- BEARINGS ARE BASED ON THE ASSUMED BEARING OF S 07°00'00" E ALONG THE EASTERLY BOUNDARY LINE OF SUBJECT PARCEL.
  - BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP, DATED: NOVEMBER 02, 2018, COMMUNITY NUMBER: 120079 PANEL 0409 J.
  - THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT OR OTHER DOCUMENTS PROVIDED BY CLIENT, IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
  - THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

**CERTIFICATE**  
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.07, FLORIDA STATUTES.

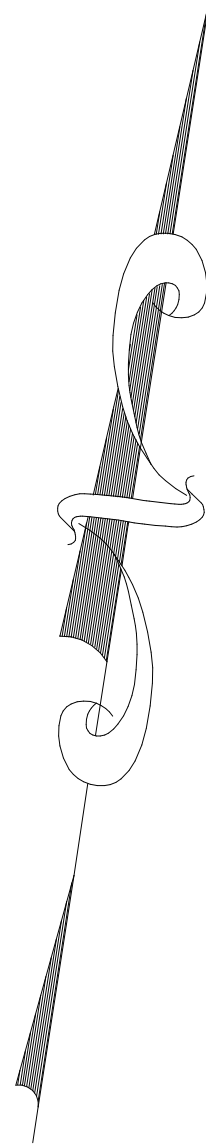
*Raymond Thompson*  
STATE OF FLORIDA  
**RAYMOND THOMPSON**  
REGISTERED SURVEYOR AND MAPPER # 6146 STATE OF FLORIDA  
LICENSE RESERVATION No. 7469

8/17/2022 1:16:43 PM



1	SITE PLAN - PROPOSED
S03	1/8" = 1'-0"

**SITE PLAN**  
for  
**THE ERICKSON RESIDENCE**  
at  
**114 NORTH STREET**  
in  
**NEPTUNE BEACH**  
**FLORIDA**



**LOT COVERAGE CALCULATIONS - PROPOSED**

TOTAL LOT	2157	100%
HOUSE FOOTPRINT	1031	47.80%
100% PERMEABLE DRIVE & PATIO	301	13.95%
GREEN SPACE	825	38.25%
IMPERVIOUS	1031	47.80%
PERVIOUS	1126	52.20%



SITE PLAN - PROPOSED

**S03**

**ERICKSON RESIDENCE**

114 NORTH STREET  
NEPTUNE BEACH, FLORIDA

DRAWING PHASE  PRELIMINARY  PERMIT

ISSUE DATE JULY 17, 2022

© COPYRIGHT 2022

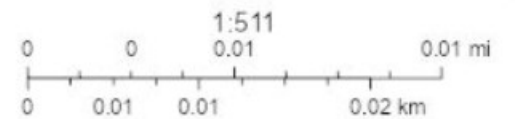
JOB # - 22125



### JAXGIS Property Information



October 4, 2022





























Prepared by:  
Beth Murphy  
Richard T. Morehead Title & Escrow, Inc.  
444 Third Street  
Neptune Beach, Florida 32266

File Number: 22B3766

22063122  
\$65000<sup>00</sup>

## General Warranty Deed

Made this June 14, 2022 A.D. By **Heather Jill Pausche, a married person conveying non-homestead property**, whose post office address is: 624 McCollum Circle, Neptune Beach, Florida 32266, hereinafter called the grantor, to **Scott Sterton and Kelly Erickson, husband and wife**, whose post office address is: 1412 North 1st Street Unit 202, Jacksonville Beach, Florida 32250, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

West thirty-six and one half feet (West 36 1/2) of the South half (South 1/2) of Lot 4, Block 14, Plan of the Town of the Neptune, according to the map or plat thereof, as recorded In Plat Book 2, Page 12, of the Public Records of Duval County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: **172651-0000**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.


**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

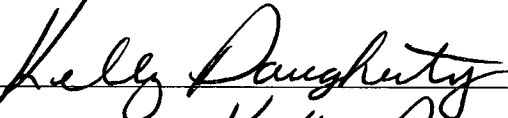
Prepared by:  
Beth Murphy  
Richard T. Morehead Title & Escrow, Inc.  
444 Third Street  
Neptune Beach, Florida 32266


File Number: 22B3766

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

*Signed, sealed and delivered in our presence:*

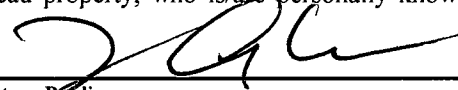
  
\_\_\_\_\_  
Witness Printed Name ELIZABETH A. MURPHY

  
\_\_\_\_\_  
Witness Printed Name Kelly Dougherty

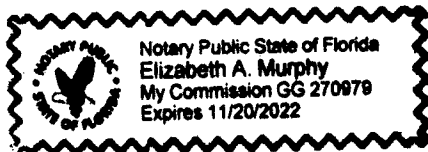
  
\_\_\_\_\_  
Heather Jill Pausche (Seal)  
Address: 624 McCollum Circle, Neptune Beach, Florida 32266

State of Florida  
County of Duval

The foregoing instrument was acknowledged before me by means of X physical presence or [ ] online notarization this 14th day of June, 2022, by Heather Jill Pausche, a married person conveying non-homestead property, who is/are personally known to me or who has produced DRIVER'S LICENSE as identification.

  
\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

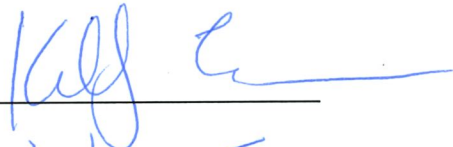
**Ian Brown** \_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF  
**Scott Sterton and Kelly Erickson** \_\_\_\_\_, the owner(s) of those lands described within the attached  
application, and as described in the attached deed or other such proof of ownership as may be  
required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: \_\_\_\_\_



Signature of Owner

**Scott Sterton**



**Kelly Erickson**

Print Name  
Daytime Telephone Number **206 612 3479**

State of Florida  
County of **Duval**

Signed and sworn before me on this **22, August** day of, 20**22**.

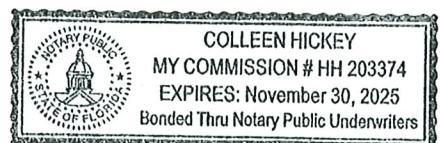
By **Scott Sterton + Kelly Erickson**

Identification verified: **Driver License + Passport** Oath sworn:  Yes  No



Notary Signature

My Commission expires: **November 30 2025**





**Receipt Number:** PYMT00000613103

Receipt Date: 9/8/2022

Customer ID: 131106

Location ID: B/P

On Behalf of:  
BUILDING PERMITS  
116 FIRST STREET

Re Service Address:

NEPTUNE BEACH FL 32266  
USA

NEPTUNE BEACH FL 32266

**Total Amount Received by**

Check

\$300.00

*114 North Street*

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** October 12, 2022  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V22-08

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**TO:** Community Development Board  
**FROM:** Sam Brisolaro, Community Development Director  
**DATE:** October 7, 2022  
**SUBJECT:** Variance Request\_117/119 Oleander St

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- I. **BACKGROUND:** An application for a variance was submitted on September 14, 2022, requesting relief for
- Lot coverage exceeding 50% (§27-238 (13)).
  - Expansion of a nonconforming structure (§27-706 (1)).
- II. **DISCUSSION:** The property owner of the duplex known as 117/119 Oleander St demolished an existing deck due to dilapidation and rebuilt the deck larger than the original deck without proper permitting. Unbeknownst to the owner, they were expanding the existing non-conformity of a duplex on a lot smaller than 8,000 square feet.

The property owner, originally from Jacksonville Beach, was under the impression if the deck previously existed and they were only replacing it to make it safe, they would not need a permit. Staff informed them that if they had only replaced the original footprint of the deck, that would have been the case. However, since they expanded the deck beyond its original footprint, they had expanded a non-conformity.

The property owner has been very willing to work with staff to correct their mistake.

- 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:** “Senior Citizen, widow, mobility impaired requires safe decking above carport area in usage. Current concrete pad required for clearance and ability to forward face vehicle to exit and enter residence.”
- b. **Staff Response:** Staff finds that the deck and impervious surface on the lot has existed since the 1960s, based on photos provided by the applicant. Additionally, due to the existing impervious surface, the expansion of the deck does not increase the impervious coverage of the site. However, the applicant is willing to reduce a portion of the impervious coverage to align better with the current Land Development Code.

Although the applicant renovated the deck without a permit, she was under the impression that she was able to do so because of her experience in Jacksonville Beach for repair and replacement.

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

- a. **Applicant Response:** “Current pad usage necessary for clearance of resident work vehicle and senior resident (86-year-old) access to rear door entrance.”
- b. **Staff Response:** Staff finds that most of the existing impervious surface would allow for continued parking on site instead of in the right-of-way, which is consistent with our LDC. Further, the property owner has agreed to reduce the amount of impervious surface where available and not to hinder the accessibility of the lot for the senior citizen residing at the home.

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

- a. **Applicant Response:** “There is no change to current parking or permeability. \* Historical pictures and documents submitted. Partial pavers on eastern side of home are being removed and turn installed within three years per Samantha Brisolaro.”
- b. **Staff Response:** Due to the existence of the deck for over 60 years, staff does not find that the variance would negatively affect adjacent properties or the general public. In fact, construction of the deck has provided privacy for and from neighboring properties as well as an aesthetic upgrade to the rear of the structure.

**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:** “Deck provides new and safe structure in existing footprint and removes unsafe decking material by using composite which is aesthetically and environmentally sounder. Partial pavers are to be removed on eastern side of building and back area.”
- b. **Staff Response:** The proposed variance will not diminish property values nor alter the character of the area. Staff finds that there are numerous upper decks in the RC Overlay and the improvement of the dilapidated deck provides an increase in the property values surrounding 117/119 Oleander St.

**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:** “Reduction of impervious surface and improvement of quality of life (§27-214 and Goal 4.1 (4) of the comprehensive plan).”
- b. **Staff Response:** The proposed variance to allow expansion of the deck over existing impervious area and removal of impervious surface to come further into compliance with the code is in harmony with the intent of the LDC. Further the deck expansion allows for a better quality of life for the property owner.

**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:** “Usage of existing footprint. Replacement of rotted decking in same area \*see historical photos.”
- b. **Staff Response:** The property owner, unaware that an expansion of a repair and replacement required a permit, created the need for this variance. However, if the property owner had not expanded the deck beyond its existing footprint, no permit would have been needed. It was confusion on the part of the owner that led to the requirement for 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:** “Usage of existing footprint of previous deck/ no change to concrete parking pad. Removal of some pavers on eastern side of building.”

- b. **Staff Response:** Staff finds that granting the variance would not confer any special privilege to the applicant. The applicant is providing concession of existing impervious areas to account for the expansion of the deck.

**IV. CONCLUSION:** Staff recommends approval of V22-09 based on the lack of expansion of impervious surface as well as the owner's statement to reduce the existing impervious site by removing  $\pm$  250sf of pavers on the eastern side of the property.

**V. RECOMMENDED MOTION:**

- a. I recommend approval of V22-09 with the condition that  $\pm$ 250 square feet of impervious area (pavers) be removed. Additionally, the area is to be resodded within 3 years from the date of this approval.

OR

- b. I recommend denial of V22-09 based on working without a permit and expanding the non-conformity.

# APPLICATION FOR ZONING VARIANCE



TO THE CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT  
 116 FIRST STREET  
 NEPTUNE BEACH, FLORIDA 32266-6140  
 PH: 270-2400 Ext 34 Email: [CDD@NBFL.US](mailto:CDD@NBFL.US)

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date Filed:	Zoning District: <u>R-4/RCoverlay</u>	Real Estate Parcel Number: <u>173729-0000</u>
Name & Address of Owner of Record: <u>Joy Huder</u> <u>(Julie Geissmann)</u>		Property Address: <u>117 Oleander St</u>
Contact phone number# <u>904-568-7289</u>	Have any previous applications for variance been filed concerning this property? <u>no</u>	
e-mail address <u>gogos12@comcast.net</u>	If Yes, Give Date: _____	

Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows:  
*Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.*

1. Explain the proposed relief being sought from the code(s):

- permeability percentage due to existing parking and concrete pad (50% of gross site area)
- structure size is over existing footprint of carport roof and deck
- there is no change to lot placement
- physical size of deck is the same as original footprint of carport/deck

2. Explain the purpose of the variance (if granted)?

- usage of deck and accessibility for mobility impaired senior resident (mother)
- parking coverage and removal of hazardous rotted wood decking and rotted carport roofing

3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):

- (1) senior resident accessibility, containment/safety of canine and small children
- (2) parking needs for senior resident require existing concrete coverage
- (3) no change to existing footprint / replacement deck and carport
- (4) no change to existing footprint and improved value (composite materials)
- (6) property owner was under impression was a replacement of rotted existing deck structure

permeable surface to be increased by removal of some pavers on eastern side of structure and installation of sod within 3 years.  
 \* picture attached of removal area

A. How does your 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.

- Senior citizen, widow, mobility impaired requires safe decking above car port area in usage.
- current concrete pad required for clearance and ability to forward face vehicle to exit and enter residence

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

- current pad usage necessary for clearance of resident work vehicle and senior resident access to rear door entrance (86 yrs)

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

There is no change to current parking or permeability.

\* Historical pictures and documents submitted

Partial pavers on eastern side of home are being removed and turf installed within three years per Samantha Brisolara

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

- deck provides new and safe structure in existing footprint and removes unsafe decking material by using composite which is aesthetically and environmentally more sound.
- partial pavers are to be removed on eastern side of building and back area.

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

- Reduction of impervious surface + impervious footprint  
of ULC (LDC 27-214) + Goal A.1 (4) in Comp plan

F. Explain how the need for the proposed variance has not been created by you or the developer?

- usage of existing footprint
- replacement of rotted decking in same area  
\* see historical photos

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.

- usage of existing footprint of previous deck / no change to concrete parking pad
- removal of some pavers on Eastern side of building

4. <b>Required Attachments</b> -Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b>	
A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. <b>WHICH HAS NOT BEEN REDUCED.</b>	<i>submitted to Piper</i>
B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date. SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b>	<i>Submitted to Piper</i>
C. Copy of Deed	<i>Submitted with packet</i>
D. Pictures of the property as it currently exists	<i>submitted to Piper</i>
5. Letter of authorization for agent to make application (Required only if not made by owner)	<i>submitted with packet</i>
6. <b>NON-REFUNDABLE FEE:</b>	
	<b>\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)</b>

**NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.**

**\*If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

**\*If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

**I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.**

NAME (S) OF PROPERTY OWNER (S)

Joy Huder

NAME OF AUTHORIZED AGENT

Julie Geissmann

ADDRESS OF PROPERTY OWNER

117 / 119 Oleander Street

ADDRESS OF AUTHORIZED AGENT

119 Oleander Street

SIGNATURE OF OWNER OR AUTHORIZED AGENT:



**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

Julie Huder Geissmann is hereby authorized TO ACT ON BEHALF OF Joy Melton Huder, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: Joy Melton Huder  
Signature of Owner

Joy Melton Huder  
Print Name

\_\_\_\_\_  
Signature of Owner

Print Name \_\_\_\_\_  
Daytime Telephone Number \_\_\_\_\_  
State of Florida \_\_\_\_\_  
County of Deval

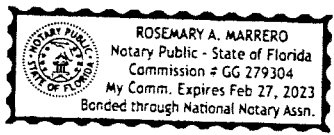
Signed and sworn before me on this 15th day Sept of ~~2021~~ 2022

By Joy Melton Huder

Identification verified: FL DL Oath sworn: \_\_\_ Yes  No

Rosemary A. Marrero  
Notary Signature

My Commission expires: 2-27-2023



BOOK 8086 PG 2394

**RECORD & RETURN TO:**

This instrument was prepared by:

KATHLEEN HOLBROOK COLD, Esquire  
HOLBROOK, AKEL, COLD & STIEFEL, P.A.  
One Independent Drive, Suite 2301  
Jacksonville, FL 32202

BK: 8086  
PT: 2394 - 2395  
Doc# 95086786  
Filed & Recorded  
05/09/95  
01:30:02 P.M.  
HENRY W. COOK  
CLERK CIRCUIT COURT  
DUVAL COUNTY, FL  
REC. \$ 10.50  
DEED \$ 0.70

**SPECIAL WARRANTY DEED**

**THIS INDENTURE**, made this 18th day of April, A.D. 1995, by DILLON R. HUDER, JR. and JOY M. HUDER, whose mailing address is 1008 Holiday Road, West, Jacksonville, Florida 32216, hereinafter called "Grantor", and DILLON R. HUDER, JR. and JOY M. HUDER, as Trustees of the Dillon R. Huder, Jr. Revocable Living Trust dated April 18, 1995, and JOY M. HUDER and DILLON R. HUDER, JR., as Trustees of the Joy M. Huder Revocable Living Trust dated April 18, 1995 whose mailing address is 1008 Holiday Road, West, Jacksonville, Florida 32216, as tenants in common each owning an undivided fifty percent (50%) interest, hereinafter called "Grantee".

**WITNESSETH**, that said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in DUVAL County, Florida, to-wit:

Lot 8 in Block 7 of Bowes Subdivision, Neptune Beach, Fla., according to plat book 8 page 48, current public records.

Parcel I.D. No.: 173729-0000

TOGETHER WITH and conferring full and unrestricted power and authority to the Grantee, as trustee, either to protect, conserve and to sell or to lease, or to encumber, or otherwise to manage and dispose of the real property described in this deed in accordance with Section 689.071 of the Florida Statutes, and further defining and declaring the interests of the beneficiaries of the trust described above to be personal property only as provided under Section 689.071(4), Florida Statutes. No party dealing with the Trustee in relation to the property in any manner whatsoever, and, without limiting the foregoing, no party to whom the property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, shall be obliged: (a) to see to the application of any purchase money, rent, or money borrowed, or otherwise advanced on the property; (b) to see that the terms of the Trust have been complied with; (c) to inquire into the authority, necessity or expediency of any act of the Trustee; or (d) be privileged to inquire into any of the terms of the trust agreement.

Handwritten initials and a circled number '2'.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under Grantor but not otherwise. "Grantor" and "Grantee" are used for singular or plural, as context requires.

The purpose of this Deed is to transfer the land to a revocable trust established by the Grantor of this Deed. The terms of the trust gives the Grantor as creator of the trust full and complete use of any property transferred to the trust during the lifetime of the Grantor as if the property continued to be owned by the Grantor. The undersigned Grantee acknowledges and accepts delivery of this conveyance. The Grantor and Grantee state and intend that this conveyance shall be valid even if recorded after death or incapacity of Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed and Sealed in Our Presence:

Signed, sealed and delivered in presence of:

Sign: Rosemary Hager  
Print Name: Rosemary Hager

Dillon R. Huder, Jr.  
DILLON R. HUDER, JR.

Sign: Kathleen H. Cold  
Print Name: Kathleen H. Cold

Sign: Rosemary Hager  
Print Name: Rosemary Hager

Joy M. Huder  
JOY M. HUDER

Sign: Kathleen H. Cold  
Print Name: Kathleen H. Cold

STATE OF FLORIDA )

COUNTY OF DUVAL )

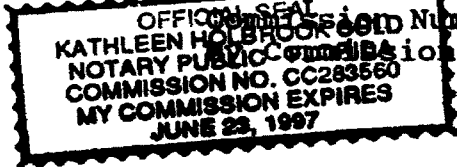
15th The foregoing instrument was acknowledged before me this April day of April, 1995, by DILLON R. HUDER, JR. and JOY M. HUDER, who are personally known to me or who have produced driver's licenses as identification.

Kathleen Holbrook Cold  
Printed Name: \_\_\_\_\_

Notary Public State of Florida

Commission Number: \_\_\_\_\_

Commission Expires: \_\_\_\_\_





Eastern side pavers to be removed  
Huder 117 Oleander



**HUDER JOY M TRUST**  
 1008 HOLIDAY RD W  
 JACKSONVILLE, FL 32216-3255  
**HUDER JOY M**  
**HUDER DILLON R JR**

**Primary Site Address**  
 117 OLEANDER ST  
 Neptune Beach FL 32266

**Official Record Book/Page**  
 05756-01735

**Title #**  
 9428

**117 OLEANDER ST**

Property Detail

<b>RE #</b>	173729-0000
<b>Tax District</b>	USD4
<b>Property Use</b>	0800 Multi-Family Units 2-9
<b># of Buildings</b>	1
<b>Legal Desc.</b>	For full legal description see Land & Legal section below
<b>Subdivision</b>	03173 OCEANVIEW, BOWES S/D OF
<b>Total Area</b>	5275

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification [Learn how the Property Appraiser's Office values property.](#)

Value Summary

Value Description	2021 Certified	2022 In Progress
<b>Value Method</b>	CAMA	CAMA
<b>Total Building Value</b>	\$147,147.00	\$165,321.00
<b>Extra Feature Value</b>	\$0.00	\$0.00
<b>Land Value (Market)</b>	\$529,000.00	\$644,000.00
<b>Land Value (Agric.)</b>	\$0.00	\$0.00
<b>Just (Market) Value</b>	\$676,147.00	\$809,321.00
<b>Assessed Value</b>	\$636,939.00	\$700,632.00
<b>Cap Diff/Portability Amt</b>	\$39,208.00 / \$0.00	\$108,689.00 / \$0.00
<b>Exemptions</b>	\$0.00	See below
<b>Taxable Value</b>	\$636,939.00	See below

**Taxable Values and Exemptions – In Progress**

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value  
 No applicable exemptions

SJRWMD/FIND Taxable Value  
 No applicable exemptions

School Taxable Value  
 No applicable exemptions

**Sales History**

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
<a href="#">05756-01735</a>	1/30/1984	\$100.00	QC - Quit Claim	Unqualified	Improved
<a href="#">08086-02394</a>	4/18/1995	\$100.00	SW - Special Warranty	Unqualified	Improved

**Extra Features**

No data found for this section

**Land & Legal**

Land

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	0101	RES MD 8-19 UNITS PER AC	NR-4	50.00	110.00	Common	50.00	Front Footage	\$644,000.00

Legal

LN	Legal Description
1	8-48 28-2S-29E
2	R/P BOWES S/D OCEAN VIEW
3	LOT 8 BLK 7

**Buildings**

Building 1

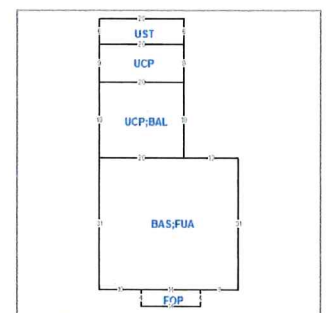
Building 1 Site Address  
 117 OLEANDER ST Unit  
 Neptune Beach FL 32266

<b>Building Type</b>	0801 - DUPLEX
<b>Year Built</b>	1961
<b>Building Value</b>	\$165,321.00

Type	Gross Area	Heated Area	Effective Area
Unfinished Carport	360	0	72
Balcony	360	0	54
Unfinished Storage	120	0	48
Unfinished Carport	180	0	36
Base Area	1023	1023	1023
Finished upper story 1	1023	1023	972
Finished Open Porch	56	0	17
<b>Total</b>	<b>3122</b>	<b>2046</b>	<b>2222</b>

Element	Code	Detail
Exterior Wall	26	26 Alum/Vinyl
Roof Struct	3	3 Gable or Hip
Roofing Cover	3	3 Asph/Comp Shng
Interior Wall	6	6 Wood Custom
Int Flooring	12	12 Hardwood
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central

Element	Code	Detail
Stories	2.000	
Bedrooms	4.000	
Baths	2.000	
Rooms / Units	2.000	



**2022 Notice of Proposed Property Taxes Notice (TRIM Notice)**

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
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County	\$700,632.00	\$0.00	\$700,632.00	\$5,191.82	\$5,623.41	\$5,171.57
Public Schools: By State Law	\$809,321.00	\$0.00	\$809,321.00	\$2,407.08	\$2,618.96	\$2,533.66
By Local Board	\$809,321.00	\$0.00	\$809,321.00	\$1,519.98	\$1,819.35	\$1,599.95
FL Inland Navigation Dist.	\$700,632.00	\$0.00	\$700,632.00	\$20.38	\$22.42	\$20.11
Neptune Beach	\$700,632.00	\$0.00	\$700,632.00	\$2,143.68	\$2,465.73	\$2,152.83
Water Mgmt Dist. SJRWMD	\$700,632.00	\$0.00	\$700,632.00	\$139.43	\$138.30	\$138.30
Urban Service Dist4	\$700,632.00	\$0.00	\$700,632.00	\$0.00	\$0.00	\$0.00
			Totals	\$11,422.37	\$12,688.17	\$11,616.42
<b>Description</b>	<b>Just Value</b>	<b>Assessed Value</b>	<b>Exemptions</b>	<b>Taxable Value</b>		
<b>Last Year</b>	\$676,147.00	\$636,939.00	\$0.00	\$636,939.00		
<b>Current Year</b>	\$809,321.00	\$700,632.00	\$0.00	\$700,632.00		

**2022 TRIM Property Record Card (PRC)**

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

**Property Record Card (PRC)**

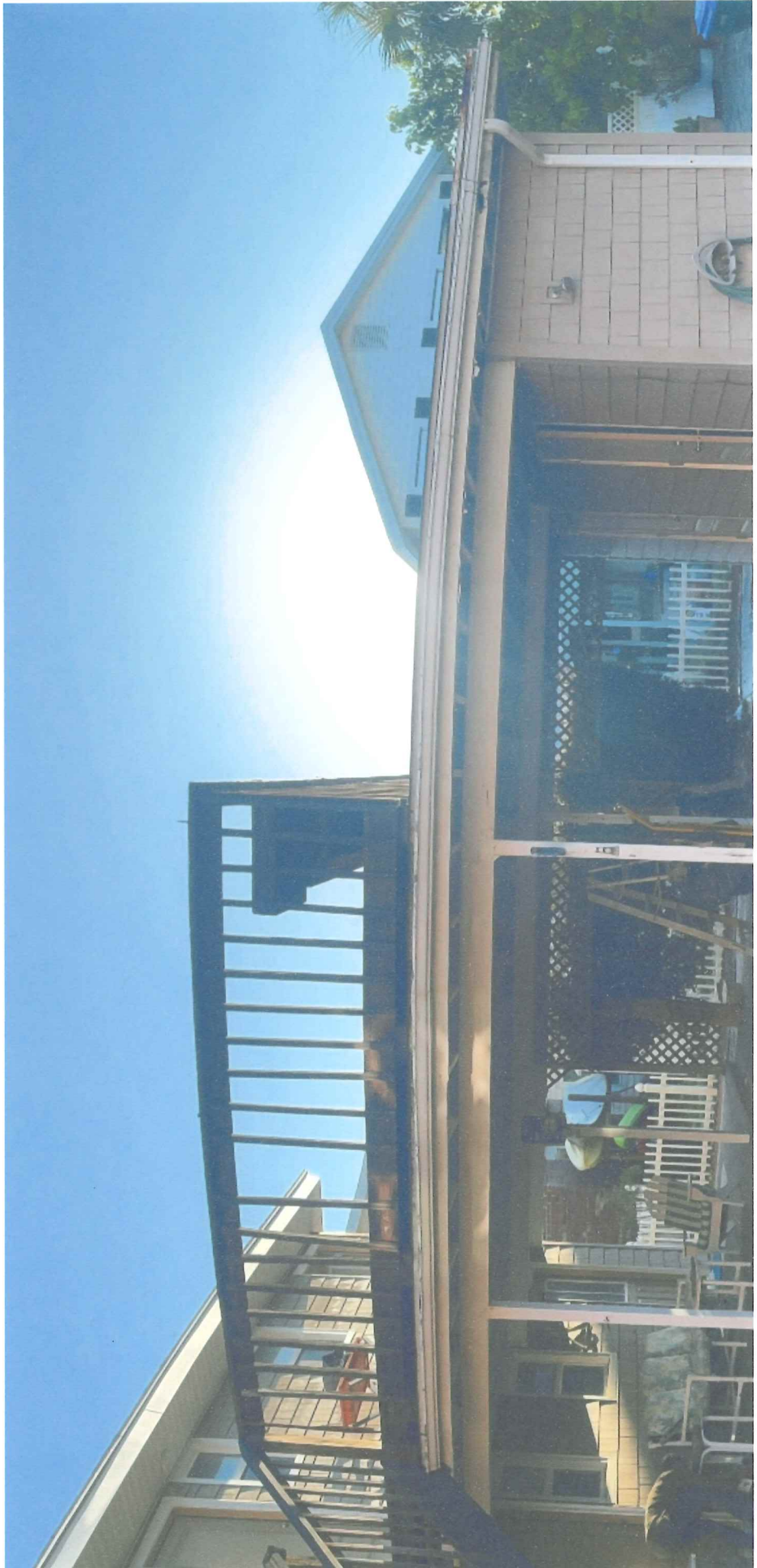
The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

<b>2021</b>						
<b>2020</b>						
<b>2019</b>						
<b>2018</b>						
<b>2017</b>						
<b>2016</b>						
<b>2015</b>						
<b>2014</b>						

- To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here: 

**More Information**

[Contact Us](#) | [Parcel Tax Record](#) | [GIS Map](#) | [Map this property on Google Maps](#) | [City Fees Record](#)









# Huder









CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** October 12, 2022  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** CDB22-01

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**TO:** Community Development Board  
**FROM:** Sam Brisolaro, Community Development Director  
**DATE:** October 7, 2022  
**SUBJECT:** LDC Interpretation of §27-243 (b) (2) e. i.

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- I. **BACKGROUND:** Upon passage of the LDC in August, staff has been asked to clarify provision §27-243 (b) (2) e. i. of the code.
- II. **DISCUSSION:** LDC, Section 27-243 (b) (2) e. i. relates to the residential design standards of the RC Overlay. Specifically, the provision in question relates to the location of garages and parking. The code section reads as follows:

“To ensure that they do not dominate the street-facing building facades or overshadow pedestrian entryways, attached and detached garages shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color (Figure 27-243-8).”

Staff has interpreted the above code to mean that a garage cannot be flush with or protrude in front of the required architectural feature. Based on the statement that garages cannot “overshadow pedestrian entry ways” (architectural features) and shall be “subordinate in height footprint and proportion to the primary structure” it stands to reason that a garage would need to be setback at least 12” or 1-foot from the primary structure to remain subordinate and not overshadow the required architectural feature.

See visual representation below:



### III. RECOMMENDED DETERMINATION:

- a) The code is clear that garages must be subordinate to the primary façade and should be setback by at least 12” to show subordination to a primary structure.

OR

- b) The code doesn't specifically state that garages must be setback from the primary structure and houses in the RC Overlay should be allowed to have garages flush with the architectural feature of choice.