



**MINUTES OF THE REGULAR MEETING OF THE  
COMMUNITY DEVELOPMENT BOARD  
September 18, 2012**

**1. CALL TO ORDER. – 6:02pm**

Chair Lambertson verified presence of a quorum with the attendance of Jason Burgess, Kelly Elmore, Kirk Hansen, Chris Lambertson, Harley Parkes, Brea Paul and Patrick Stratton. The meeting was called to order at 6:02pm. Also present were Principal Planner Erika Hall, Redevelopment Coordinator Lesley Resnick, and Building and Zoning Director Michael Griffin. Ms. Hall noted that NS Mayport liaison and ex-officio member Matt Schellhorn would not be in attendance, but he had confirmed via email that he had no objections to any agenda items.

**2. ADOPTION OF MEETING MINUTES – AUGUST 21, 2012.**

Mr. Lambertson called for a motion to approve the minutes of the August 21, 2012 regular meeting. Mr. Burgess moved that the minutes be approved as written. Mr. Hansen seconded the motion and it carried by a vote of 7-0.

**3. RECOGNITION OF VISITORS. *None.***

**4. OLD BUSINESS. *None.***

**5. NEW BUSINESS.**

**A. ZVAR-12-00100031, 587 BEACH AVENUE (Greg Beere, Content Design Group, on behalf of Kirk & Anne Marie Moquin)**

***Request for a variance from provisions of Section 24-172(c), Old Atlantic Beach residential development standards, consistent with the provision of Section 24-172(e), to construct a new home with modern design, on a property located at 587 Beach Avenue, within a Residential Single Family (RS-2) zoning district.***

***Staff  
Report***

Ms. Hall reported that the subject property is located in the southeast corner of the intersection of Beach Avenue and 6<sup>th</sup> Street and consists of two oceanfront lots platted as part of the original Atlantic Beach Subdivision 'A', recorded June 5, 1913. The resultant development parcel measures approximately one hundred (100) feet in width, approximately two hundred fifty (250) feet in depth and has a total area of about twenty-five thousand five hundred square feet. The existing structure occupying the parcel is a single family home constructed in 1908. The property owners have proposed to demolish this structure and construct a new modern design single family home.

Ms. Hall noted that property owner Kirk Moquin was present, along with architect Greg Beere of Content Design Group, who would be fielding design-related questions from the board. After projecting a rendering of

the proposed structure, she explained how the design was fully compliant with the development standards applicable to the RS-2 zoning district in which the property is located. A table summarizing the RS-2 requirements versus the proposal was shown, as were copies of the site plan, floor plans and elevations which demonstrated compliance with the RS-2 lot standards (width, depth, area) and development standards (setbacks, height and impervious surface). Ms. Hall noted one exception, being the placement of the garage six (6) feet from the north property line, rather than the required ten (10) foot street side setback, adding that this reduction in setback was consistent with a four (4) foot north side yard variance that was granted to the previous owner by the Community Development Board on November 6, 1986. She reminded the board that variances, once acted upon, become vested rights that convey with the property in perpetuity.

Ms. Hall then summarized the provisions of Section 24-172, which are additional residential development standards that are applicable to the geographic area known as Old Atlantic Beach, adopted September 11, 2006. She explained these standards were adopted as the result of the “community character” study that had taken place in 2005-06, for the purpose of maintaining the traditional-scale residential character of the city. She continued, stating the intent of these standards was not to regulate or exclude any particular architectural style, but to limit potentially excessive height, mass and bulk of new or renovated structures. To the contrary, recognition that other architectural styles (differing from the traditional two-and-one-half story, shaker-side, and gable-roof design common to the beaches) may achieve the desired height, mass and bulk by alternative means led to the inclusion of a provision for a special variance from these standards. She next reviewed each instance for which this variance was being sought and outlined mitigating factors that formed the basis for this request:

Section 24-172(c)(1) requires that second- and third-story exterior side wall planes may not exceed thirty-five (35) feet in length without some sort of horizontal offset, architectural detail or design element of at least four (4) feet in order, to break up blank walls facing adjacent residences. The northern-most wall of the second story measures approximately forty-six (46) feet, while the southern-most wall of the third story measures approximately fifty-four (54) feet. Ms. Hall cited extensive buffering between the structure and neighbors on either side, stating that to the north is the forty (40) foot wide 6<sup>th</sup> Street right-of-way as well as the Moquins’ street side yard which would eventually be landscaped, and to the south is a twenty-eight (28) foot wide interior side yard between the structure and the southern property line. She noted this far exceeds the minimum side yard setbacks to which most property owners build, being a combined fifteen (15) feet with a minimum of five (5) feet on either side.

Section 24-172(c)(2) requires that height of wall plates to the top horizontal framing member may not exceed twenty-two (22) feet, for the purpose of reducing mass and bulk of the structure. The result of this

provision is that third floors and the additional allowable thirteen (13) feet of height must be captured within a roof structure. Ms. Hall noted this provision clearly encourages gable roofs and is not compatible with flat-roofed modern designs. She emphasized that the overall height of the entire structure does not exceed the maximum allowable height of thirty-five (35) feet, and the use of glass walls, cantilevers, step-ins, balconies, and roof-top decks on various levels all work as subtractive elements which counter the additional height of the parapet.

Section 24-172(c)(3) requires that the third floor footprint not exceed more than fifty (50) percent of the second floor footprint, in order to reduce mass of the structure. While the total area of the third floor, as proposed, encompasses approximately one thousand seven hundred twenty-seven (1,727) square feet, or about sixty-one (61) percent of the second floor, Ms. Hall noted that approximately five hundred seventy-five (575) square feet of this area is uninhabitable open space to the second floor. Thus the habitable area of the third floor is effectively only one thousand one hundred fifty-two (1,152) square feet, or forty-one (41) percent of the second floor area. Further, Ms. Hall noted that the glass walls along the northern and eastern elevations offer a great deal of translucency and tend to mitigate additional enclosed area of the third floor.

***Applicant  
Comment***

Property owner Kirk Moquin deferred to Greg Beere, architect with Content Design Group to address the board. Mr. Beere said that he felt Ms. Hall and done a good job presenting their proposal, and he would be happy to answer any additional questions the board or public might have.

***Public  
Comment***

Scott Griswold (511 Ocean Boulevard) summarized the process by which the Old Atlantic Beach development standards were derived during the height of the building boom and said that the goals and objectives were to reduce big box residential development. He stated that he lived within a block of the subject property and objected to the proposed structure, noting that, according to the rendering shown, the proposed structure appeared much more massive than the neighboring structure.

Rich Reichler (2025 Beach Avenue) said that he did not support or object to the proposed structure, but wished clarification on the point of beginning for the measurement of height of the building. Ms. Hall responded that all oceanfront lots were required to provide certified topographic surveys including calculated average grade over the buildable area of the lot, and starting point of measure was then determined, contingent upon Federal Emergency Management Agency (FEMA) regulations. Mr. Griffin, who is the city's Certified Floodplain Manager and Building Official, stated that because the property is located within one of FEMA's designated Special Flood Hazard Areas (SFHA), the point of beginning would be the required finished floor elevation.

Rodney Margol (41 6<sup>th</sup> Street) stated that he lived directly across from the subject property, on the north side of 6<sup>th</sup> Street, and his primary concern was the development of the north wall and landscaping of the street side

yard and right-of-way. Mr. Lambertson asked for elaboration on the landscape plan. Mr. Beere assured everyone there would be landscaping that softened the long horizontal elements and drastically improved the conditions of the south side of 6<sup>th</sup> Street. He said up to this point, the focus has been on the design of the structure, but as that is finalized, efforts will be refocused on addressing the landscaping, and he will be happy to meet with staff, members of this board, and neighbors to achieve an amenable design. In general, the plan will address the three (3) existing parking spaces and the street side yard with interesting textures and indigenous plants that create a pleasing buffer on 6<sup>th</sup> Street.

Mary Petersen (541 Beach Avenue) reported that she was in attendance with Harry Warnock (555 Beach Avenue) and Ronald Moore (525 Beach Avenue), as owners of the three parcels immediately south of the subject property. She said that she liked the look of the design, but more than that, she liked the idea of redevelopment of the lot because it would improve everyone's properties by increasing value.

Bruce Cleary (122 6<sup>th</sup> Street) stated his interpretation of the original intent of Section 24-172 as keeping the old look by means of controlling mass and scale, and as written, the provisions specifically exclude this style of architecture. Mr. Parkes reiterated that there is no explicit exclusion of any architectural style. Rather the provisions specifically speak to allowance of diversity of architectural styles. Mr. Cleary continued, adding that he opposed the structure due to its size and flow and concluding that it looked more industrial than residential.

Tom Frohne (361 5<sup>th</sup> Street) inquired how such a proposal would be received in a historic area such as Springfield. Mr. Beere responded that his firm currently has a modern design permitted for Springfield, and while the process is much more difficult due to strict architectural guidelines, it is absolutely possible to do modern in a historic neighborhood. He added that such diversity of style adds to the fabric of a neighborhood, and as Ms. Petersen had noted, this would increase value of surrounding properties. Ironically, he noted that it has been demonstrated that building "fake" old homes actually tends to depreciate the value of historic homes.

Julia Hite (1075 Seminole Road) stated she is the owner of 122 Beach Avenue where Mr. Cleary lives, and said that her primary concern is the length of the garage. Otherwise, she thought the design was great for the neighborhood. Mr. Beere said that due to the proximity to the right-of-way, a fence affording any privacy is not possible. So the goal was to site the garage so that it would also serve to create some measure of privacy from the very active 6<sup>th</sup> Street beach access traffic.

***Board  
Discussion***

Mr. Lambertson opened discussion of the application to the board. Mr. Elmore stated that upon receipt of the agenda packet, he found the design to be jarring, but in a good sense. He said the proposed structure will be a wonderful addition to the fabric of Old Atlantic Beach and the oceanfront homes, noting there are other classic examples of modern homes

throughout Atlantic Beach. Referring to the tremendous size of the lot and the fact that it is an oceanfront lot, he added that the impact on neighbors is not as severe.

Mr. Elmore continued, saying he did have some issue with the fifty-four (54) foot long third story wall facing south, but realized the large interior side yard setback, proposed at just over twenty-eight (28) feet, was a mitigating factor. Additionally, he said he had some degree of concern over the garage wall abutting 6<sup>th</sup> Street, but as a landscape architect, he was aware of how drastically the right landscaping could soften the impact of that wall.

Mr. Parkes referred to Section 24-172(c)(2), regarding the maximum twenty-two (22) foot high wall plate, and stated that strict compliance with this provision really defines what can be done, and practically results in cookie-cutter houses. He also said that he has mixed emotions about the wall plane provision found in Section 24-172(c)(1) because imposition of any of the required details would be detrimental to the architecture of the proposed structure. Mr. Hansen inquired about transom windows, and Mr. Parkes replied that the code specifically calls for horizontally projecting features. He concluded by saying that the proposed design is a very carefully thought-out and in many ways a very delicate building, and he cautioned the board against redesigning the structure.

Mr. Lambertson said that he would like to make further clarification on the height issue. He said that according to the submitted plans, the proposed structure had an elevation of thirty-five (35) feet from the finished floor elevation to the peak of roof, which in this case was the parapet. However, it was his understanding of the code that the height of the building was to be measured from the average calculated grade of the lot. Ms. Hall responded that all oceanfront lots and any non-oceanfront lot having more than a two (2) foot variation in topography must submit a certified topographic survey along with an average grade calculation made in accordance with the procedures provided in the land development regulations. Generally, height of the building is measured from that average calculated grade. However, properties located within a FEMA-designated Special Flood Hazard Area (SFHA), are subject to additional requirements. Mr. Beere stated that Ms. Hall had directed him to obtain the certified topographic survey and the average grade calculation, and subsequently, upon meeting with Building Official/Certified Floodplain Manager Michael Griffin, the location of the property was verified to be within the 'AO' SFHA and the design team was told that the point of beginning for measurement of height of the building would be the finished floor elevation.

Mr. Lambertson disagreed with staff's interpretation, stating that it was his understanding that all height measurements were to begin at the calculated average grade, and looking at the submitted survey, he did not see how this property could possibly be nearly eighteen (18) feet. He estimated that the calculated average grade was actually three (3) to four

(4) feet lower, and therefore the height of the structure would need to be adjusted down by as much.

Mr. Lambertson next asked to look at the position of the garage from a procedural standpoint, noting that Ms. Hall had said that a four (4) foot variance had been granted to the previous owner in 1986. He asked where that variance had been applied, and Ms. Hall replied that it was applied to the main structure on the (same) north side of the property.

Mr. Stratton asked for clarification as to how variances work, stating that it was his understanding that in some jurisdiction there were limitations on the amount of time an applicant had to act on a variance. Ms. Hall responded that is generally the case. There is often spelled out within land development regulations a length of time in which an applicant has to act on a variance. If, within that length of time, the applicant has not acted, the variance expires. However, if the variance is acted upon, then whatever relief has been granted becomes a vested right of the property owner and future successors. If a variance is subsequently abandoned and not incorporated into a redevelopment plan, then the vested right is lost.

Mr. Hansen stated that he did not like the idea of opening up an old variance which was legally obtained and acted upon. He questioned how exemption from the twenty-two (22) foot wall plate height could be granted without removing this requirement from everyone. Mr. Parkes replied that the wall plate limitation was a defining element of traditional gable roof architecture, as it is proportional to setbacks and defines angles from the property line. The increased size of the subject property changes those proportions and angles. Further, while the Old Atlantic Beach residential development standards virtually eliminate the possibility of modern design, the special variance provision gives this board broader latitude to consider alternatives.

Mr. Burgess stated that he did not like the idea of limiting architectural style, and emphasized that is not the charge of this board. Rather, this board is charged with determining if, when presented with an alternative to traditional design prevalent in the community, there are mitigating factors present which make that alternative design equally acceptable in terms of scale, mass and bulk.

Mr. Hansen said that Mr. Parkes and Mr. Burgess had done a good job refocusing the task of this board. Given the large size of the lot, it's oceanfront location, it's buffering to the north by the 6<sup>th</sup> Street right-of-way, and the proposed setback of more than twenty-eight (28) feet to the south, he said he was comfortable granting the variance for the third floor area and south wall plane.

Mr. Elmore inquired as to the north wall plane and the location of the garage, and Mr. Lambertson said he was not suggesting that the previous variance be re-opened, but that it should be weighed in consideration of the present request. Ms. Hall warned that the previous variance was legally granted, and the street side yard for this property, as proposed on

the submitted plans, was in compliance with that variance.

Mr. Beere again addressed the board, and stated that the issue of height was a much bigger concern to him than shifting the location of the structure south an additional three (3) to four (4) feet. He emphasized that his team had met on several occasions with city staff to obtain guidance and ascertain the proper development standards, and the submitted proposal adheres to those standards. He said he was deeply concerned that he was now hearing that the entire structure might have to be redesigned to a substantially lower height.

Mr. Lambertson reiterated that variances cannot be granted for height and that it is not up to this board to determine height. He recommended that Mr. Beere work with staff to resolve the matter.

Mr. Hansen asked Mr. Beere if he was suggesting that it is possible to move the entire structure four (4) feet to the south, to which Mr. Beere replied that his client is amenable to that.

***Motion***

Mr. Hansen moved that the Community Development Board approve ZVAR-12-00100031, request for variance from the provisions of Section 24-172(c), Old Atlantic Beach residential development standards, to allow the proposed redevelopment of the property located at 587 Beach Avenue within the RS-2 zoning district, with a new single family home of modern design, finding that the proposed development, as submitted and subject to one revision shifting the entire structure south by four (4) feet to maintain the northern ten (10) foot street side yard, is to be located on an oceanfront parcel nearly four times larger than a standard lot and abutting streets on two sides, and therefore will not result in unmitigated height, mass or bulk that will excessively dominate the established development pattern or restrict the light, air, breezes or privacy on adjacent properties, and also finding that the proposed modern architectural style will contribute to the diversity and fabric of Old Atlantic Beach. Mr. Burgess seconded the motion and it passed unanimously.

Mr. Lambertson emphasized the variance granted is for the proposal as submitted, subject to the one revision, and any changes to this plan would require the applicant to come back to this board.

**6. OTHER BUSINESS NOT REQUIRING ACTION. *None.***

**7. ADJOURNMENT – 7:40 PM**

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[ \_\_\_\_\_ ], **Chairman**

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**Attest**