

Minutes of Board of Adjustment Meeting
held Tuesday, January 5, 2016, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida



Call to Order

The meeting was called to order by Vice-Chairman Cummings.

Roll Call

Tom Buck
Joseph Loretta
John Moreland
Sylvia Osewalt Chairman
Scott Cummings Vice-Chairman

Alternates:
Jeff Truhlar
Francis Reddington

Ex-parte Communications

Mr. Loretta stated that he had communications with Mr. Tatum.

Approval of Minutes

Mr. Buck asked about item 15-212, the meeting minutes from October 20, 2015. He stated that there was a vote that stated all five were nay votes, but was approved unanimously. Mr. Buck moved approval of the minutes of October 20, November 3, and November 17 as amended, seconded by Mr. Moreland. Motion to approve the minutes as amended approved unanimously.

Correspondence

Mr. Buck recommended reading the correspondence received during the case it involved.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 15-100208
Name of Applicant: Michael Phillips

Property Address: 46 Tallwood Road, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for 44% maximum in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

Applicant: The applicant, Michael Phillips, 46 Tallwood Road, Jacksonville Beach, stated that his family wanted to install a pool. His home was the only house without a pool, and he had letters from his neighbors in support of the pool.

Mr. Moreland asked about the hardship. Mr. Phillips stated that a usable pool area needed a variance. He added that the surrounding marsh contributes to mosquito problems; thereby, a screened enclosure is needed as well as increased lot coverage.

Ms. Osewalt added that the hardship is created by the property. Mr. Cummings asked about the square footage of the lot. Mr. Phillips responded that it was a little over 10,000 square feet.

Mr. Buck asked if that was the least amount of pool decking that he could live with. Mr. Phillips replied that it was based upon the size of the deck needed for the screened enclosure and the usable pool deck area.

Mr. Loretta noted that the surrounding homes seemed to have large lots with pools. Mr. Phillips added that the surrounding homes all had larger pool areas.

Public Hearing:

There was no one present to speak in favor or opposition to the proposal.

Discussion:

Mr. Cummings noted that he had five letters from the neighbors. Ms. Osewalt read the neighbors' addresses into the record, and noted that the letters were in support of the first one, which she read into the record.

Mr. Loretta noted the other houses in the neighborhood with the same type of coverage. He thought the request was compatible with the surrounding houses in the neighborhood, even though he noted that it may not be enough justification for approval. Mr. Loretta added that the driveway on the property added much coverage due to the excessive pavement.

Mr. Moreland stated that he thought that there was no hardship.

Roll Call Vote: Ayes - Cummings, Loretta, and Buck. Nays – Moreland and

Osewalt. Motion approved by a 3-2 vote.

(B) Case Number: BOA 15-100210

Name of Applicant: JWB Construction Group, LLC

Property Address: 914 2nd Avenue South, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for side yards of 7.5 feet in lieu of 10 feet required and for 44% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant: The applicant, Alex Sifakis, 440 7th Avenue South, Jacksonville Beach, stated that the hardship is that this lot is non-conforming. They are asking for less than many of the variances in the area. He stated that they were building the same type of plan that they have historically built in this area of the city.

Public Hearing:

There was no one present to speak in favor or opposition to the proposal.

Discussion:

Mr. Moreland stated that what was proposed was clearly a substandard lot and the request was reasonable.

Amended Motion: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for side yards of 7.5 feet in lieu of 10 feet required and for 44% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling as presented and discussed.

Roll Call Vote: Ayes - Moreland, Cummings, Osewalt, Loretta, and Buck. Motion approved unanimously.

(C) Case Number: BOA 15-100214

Name of Applicant: James Landry

Property Address: 3413 1st Street South and 3415 1st Street South, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for a southerly side yard of 5 feet and a northerly side yard of 4.9 feet in lieu of 10 feet required; for a rear yard of 4.2 feet in lieu of 30 feet required; and for 55% lot coverage in lieu of 35% maximum to allow for improvements to an existing non-conforming use property conversion to a single family dwelling.

Applicant: The agent for the applicant, Thomas Mnich, stated that one lot was a flag lot and the other was a small lot; combined, they were still non-conforming. They wanted to connect the two to build a single-family dwelling. They were to remove the shed and construct a one-story unit. The setbacks requested were where the existing structure existed. He added that they were presently at 46% coverage. Mr. Mnich stated that they had 13 letters from neighbors in support of the proposal.

Mr. Moreland asked if they were using the existing structure. Mr. Mnich stated that they would be keeping most of it. Mr. Moreland added that the City Council wanted to keep lot coverage below 50%. Mr. Moreland asked if they could bring it down. Mr. Mnich stated that it would be difficult to connect the two structures.

Mr. Loretta asked what was happening with the second structure. Mr. Mnich responded that would be the master suite and they would like to maintain that structure if possible. Mr. Loretta stated that if they redesigned to get rid of the second building they could get it down to less than 50% lot coverage.

Ms. Osewalt noted that drainage was an issue in that area of the City and 55% lot coverage is less space for the water to remain on-site.

Mr. Loretta asked about the concrete walkway and whether if it was removed it could bring the lot coverage down. Mr. Mnich stated it would be removed and was not included in the calculation.

Mr. Buck stated that you would have to lose 547 square feet to get below 50%. Discussion followed on how to reduce the lot coverage. Mr. Mnich stated that he did not think 49% lot coverage would be feasible.

Public Hearing:

Mr. Terry Deloach, 405 32nd Avenue South, Jacksonville Beach, stated that he owned property directly adjacent to the subject parcel. He supported the proposal to remove the rental property and thought the property values of surrounding parcels would be increased. Mr. Deloach noted that each case had to be taken on its own merit.

Ms. Osewalt read a letter signed by neighbors in support of the proposed variance.

Mr. Larry Ponder, 30 35th Avenue South, Jacksonville Beach, expressed his concerns with the larger and larger properties being built in the neighborhood, which manifests itself with drainage issues.

Mr. Mnich responded that they would meet City standards for drainage.

Mr. Don Stokes, 50 34th Avenue South, Jacksonville Beach, expressed concerns

with flooding from the increased lot coverage. He then read a letter from Ann Kern, a neighbor who expressed concerns about the increase in flooding that could occur from this proposed variance.

Mr. Mnich stated that they were improving drainage on Ms. Kern's property.

Discussion:

Ms. Osewalt expressed concerns about the lot coverage and setbacks requested.

Mr. Moreland stated that the lot was substandard, and noted that he would not offer an alternative proposal in response to the applicant's comments. Ms. Osewalt responded that she would offer the alternative motion.

Amended Motion: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for a southerly side yard of 5 feet and a northerly side yard of 4.9 feet in lieu of 10 feet required; for a rear yard of 4.2 feet in lieu of 30 feet required; and for 50% lot coverage in lieu of 35% maximum to allow for improvements to an existing non-conforming use property conversion to a single family dwelling.

Roll Call Vote: Ayes – Moreland and Osewalt. Nays - Cummings, Loretta, and Buck. Amended motion denied 3-2.

Further Discussion:

Mr. Loretta explained that he voted no because he believed that the applicant could build a worse building if denied. He thought that there were benefits from the proposed variance. He stated that an alternative design could be a better project.

Ms. Osewalt added that it was not justification for the variance just because the owner was unwilling to spend sufficient money.

Roll Call Vote on Original Motion: Nays – Osewalt, Moreland, Cummings, Loretta, and Buck. Original motion denied unanimously.

(D) Case Number: BOA 15-100215

Name of Applicant: South Jax Beach, LLC

Property Address: 35 37th Avenue South, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland to approve a request for a front yard of 15.3 feet in lieu of 25 feet required; for an easterly side yard of 8.8 feet in lieu of 10 feet required; and for 40% lot coverage

in lieu of 35% maximum to allow for substantial improvement and a swimming pool addition to a single family dwelling.

Applicant: The agent for the applicant, Rick Johnston, 3528 Ocean Drive, stated that this was a non-conforming parcel. He then explained the improvements that were proposed.

Mr. Loretta asked about the improvements. Mr. Johnston clarified what the proposal was.

Mr. Moreland asked if the two setbacks currently existed. Mr. Johnston replied that they were already in place.

Public Hearing:

Mr. Dennis Gates, 3732 Duval Drive, Jacksonville Beach, stated that he opposed the proposal because everyone wants to keep building bigger and bigger. These bigger houses can cause drainage issues.

Mr. Kurt Simpson, 4158 Ponce De Leon Boulevard, Jacksonville Beach, stated that he was the owner of the home to the west. He stated that he opposed the front yard setback proposed in the variance. He stated that line of sight issues were affected by this proposal. Mr. Loretta stated that they could condition the variance to limit it to one floor if that is what the applicant requested or if the Board thought that it should be limited as such.

Mr. Lee Ligo, 3938 Duval Drive, Jacksonville Beach, stated that the Duval Drive neighborhood was unique. He stated that the buyer knew that the parcel was non-conforming when they bought it. Mr. Ligo added that he thought the application was incomplete – they should indicate how many stories the unit would be.

In rebuttal, Mr. Johnston stated that they were asking for relief from conditions that were restrictive. In their development they would manage the drainage from the parcel. He added that the setbacks requested were existing, and they had no plans to do a three-story house.

Mr. Moreland asked if Mr. Johnston was comfortable with restricting the setback to the garage. Mr. Loretta agreed and asked Mr. Johnston if he could provide the type of line of sight.

Mr. Cummings stated that it would be better if there were a full plan provided as part of the variance. He stated that there wasn't enough information for him to make a positive decision.

Mr. Buck asked about the rear yard. Mr. Johnston stated he met those setbacks.

Mr. Moreland stated that he was concerned with the line of sight issue. He asked how many feet of the deck would be built over the garage. Mr. Johnston responded eight feet.

Discussion:

There was a discussion about what could be built without a variance. Ms. Osewalt agreed that there could be additional information.

Mr. Cummings asked if they tabled this issue, how quickly could Mr. Johnston come back before the Board. Mr. Hays stated that he could come back within a month and the Board would state the specific date as required by the code. Mr. Buck pointed out that if it was tabled the fee would be less than if it was denied.

Amended Motion: It was moved by Ms. Osewalt, seconded by Mr. Cummings, to table this item until such time as the applicant can bring back sufficient information to respond to the issues discussed at this meeting.

Roll Call Vote: Ayes - Moreland, Osewalt, Cummings and Buck. Nays - Loretta. Motion approved 4-1.

(E) Case Number: BOA 15-100217

Name of Applicant: James and Andrea Cooper

Property Address: 26th South 34th Avenue, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for a front yard of 17.08 feet in lieu of 25 feet required; for a rear yard of 10.25 feet in lieu of 30 feet required; for 47% lot coverage in lieu of 35% maximum; and for parking/vehicle use area 2.75 feet to a property line in lieu of 5 feet required to allow for a new single family dwelling.

Applicant: The applicant, James Cooper, 2260 Beach Boulevard, Jacksonville Beach, stated that the lot was substandard in size. He stated that they sought to develop a plan that was compatible with the neighboring parcels. He stated that they tried to design a house that did not impede on the side yards.

Mr. Loretta noted that this was the vacant parcel east of the one that was denied as this meeting.

Mr. Cooper stated that they tried to get a plan that would be 35% lot coverage if they had a conforming 10,000 square foot lot. He stated that this would be 37% lot coverage with a standard lot.

Ms. Osewalt asked if the rear yard would impact anyone. Mr. Cooper stated that

the neighbors back there expressed no concerns. He added that you were allowed to have a detached garage five feet from the property line.

Public Hearing:

Mr. Don Stokes, 50 34th Avenue South, Jacksonville Beach, noted Ms. Kern's letter to the Board. Ms. Kern expressed concern about flooding from the variance and requested denial of the variance. Mr. Stokes noted that the lot was not substandard for Atlantic Shores. He stated that this was a three-story building that covered too much of the parcel. This would run auto traffic a few feet from his patio. He then expressed concerns with lines of sight. He requested denial of the variance.

Mr. Moreland noted that there was another house that was more in the line of sight than the subject property. Mr. Loretta noted that Mr. Stokes' property was built over 35% lot coverage, and this request was less than his setback.

Mr. Cooper stated that he was two feet further back than others along the street. He noted that there was a hardship because his lot was less than the standard in this zoning district.

Mr. Loretta asked if they considered shifting the site plan 2.5 feet to the east. Mr. Cooper stated that they had considered other plans but this was the best. There was a driveway to the east on their property line.

Mr. Larry Ponder, 50 35th Avenue South, expressed his concern with the amount of construction on this block. He added that when this was platted there were setback lines shown on the plat. He stated that if everyone just followed the rules there would be fewer problems. He stated the drainage should not be allowed to go on other properties.

Discussion:

Mr. Loretta noted this was similar to another one that they gave approval to on First Street South. This was a better architectural facade along the roadway. Mr. Loretta added that both surrounding properties had greater encroachments on the setback than what they were asking for. He thought there was significant enough green space to address drainage issues.

Mr. Moreland noted that the lot was substandard. He stated that this should enhance the neighborhood.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 17.08 feet in lieu of 25 feet required; for a rear yard of 10.25 feet in lieu of 30 feet required; for 47% lot coverage in lieu of 35% maximum; and for parking/vehicle use area 2.75 feet to a property line in

lieu of 5 feet required to allow for a new single family dwelling as shown, submitted and discussed.

Roll Call Vote: Ayes - Moreland, Loretta, and Buck. Nays – Cummings and Osewalt. Motion approved 3-2.

(F) Case Number: BOA 15-100218

Name of Applicant: Timothy Johnston

Property Address: 137 6th Avenue South, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for side yards of 7.5 feet in lieu of 10 feet required and for 45% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant: The agent for the applicant, Mal Washington, 59 San Juan Drive, Ponte Vedra, stated that the applicant could not construct residences that were identical to those that were already built in this area. Mr. Washington provided a list of properties that were identical to those proposed.

Mr. Washington noted that a majority of the properties were not single-family homes, in response to a question from Mr. Loretta.

Mr. Cummings asked if there was an existing single-family home there. Mr. Washington confirmed that there was.

Mr. Moreland stated that the east side of the duplex was further off the property line than the current single family dwelling.

Mr. Washington stated that they were removing the concrete slab in the back.

Public Hearing:

There was no one present to speak in favor or opposition to the proposal.

Discussion:

Mr. Loretta stated that they were impeding no greater than the existing structure and the surrounding area.

Roll Call Vote: Ayes - Moreland, Cummings, Osewalt, Loretta, and Buck. Motion approved unanimously.

(G) Case Number: BOA 15-100219

Name of Applicant: Lawrence Tyler Tatum

Property Address: 1236 2nd Avenue North, Jacksonville Beach

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for a westerly side yard of 6.3 feet in lieu of 10 feet required; for 39% lot coverage in lieu of 35% maximum; and for parking/vehicle area 2 feet to a property line in lieu of 5 feet minimum to allow for improvements to a single-family dwelling.

Applicant: The applicant, Lawrence Tyler Tatum, 1236 2nd Avenue North, Jacksonville Beach, stated that they have a substandard size lot. He noted that the survey included in the site plan was old and he provided an updated survey. He stated that they have an existing driveway that was approved that was 4.6 feet off the property line and they would not be extending that any further.

Mr. Tatum stated that the concrete patio would be removed from the lot.

Mr. Buck asked if they would be ok if the variance request were changed to be 4.6 feet for the parking/vehicle use setback. Mr. Tatum responded that would be okay.

Public Hearing:

There was no one present to speak in favor or opposition to the proposal.

Discussion:

Ms. Osewalt stated that she would offer an amended motion.

Amended Motion: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request a westerly side yard of 6.3 feet in lieu of 10 feet required; for 39% lot coverage in lieu of 35% maximum; and for parking/vehicle area 4.6 feet to a property line in lieu of 5 feet minimum to allow for improvements to a single-family dwelling.

Roll Call Vote on Amended Motion: Ayes - Moreland, Cummings, Osewalt, Loretta, and Buck. Motion approved unanimously.

Other Business

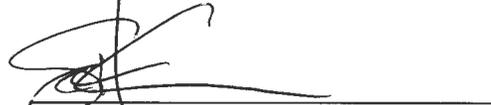
Ms. Osewalt then made motion to nominate Mr. Moreland for vice chair, seconded by Mr. Buck. The Board voted by unanimous approval to elect Mr. Moreland as Vice-Chairman.

Adjournment

There being no further business coming before the Board, Mr. Cummings adjourned the meeting at 9:20 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:



Chairman

Date: 2/2/16