

**Minutes of Board of Adjustment Meeting
held Tuesday, June 6, 2017, 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 Chairman Moreland.

Roll Call

Thomas Buck
Jeff Truhlar (*absent*)
John Moreland (Chairman)
Sylvia Osewalt (Vice-Chairman)
Scott Cummings

Alternates:

Francis Reddington
Chase Sams

Ex-parte Communications

There were none.

Approval of Minutes

Ms. Osewalt moved approval of the minutes from April 18, 2017, May 2, 2017, and May 16, 2017. The motion was seconded by Mr. Cummings. The motion to approve the minutes was approved unanimously.

Correspondence

None

NEW BUSINESS:

(A) Case Number: BOA 17-100058

Name of Applicant: Vikki Mesich and Rich Tomporowski

Property Address: 1855 Riley Street

Application: Ms. Osewalt read into the record the applicant's request, which was for the approval of 41% lot coverage in lieu of 35% maximum; to allow for a swimming pool and deck addition to an existing single-family dwelling.

Applicant: The applicant, Mr. Rich Tomporowski, 1855 Riley Street, stated they would like to get decking around a proposed pool.

Mr. Moreland asked how the property created a hardship. Mr. Tomporowski stated that they planned to add decking to only one side of the pool. They were intending to keep the decking to the center of the yard and provided the Board with renderings. He noted that the lot was a narrow and was a non-conforming.

Ms. Osewalt asked if that was the minimum size they could build. Mr. Mann noted that they met the setback for an accessory structure. Mr. Tomporowski stated that this was the minimum deck they could provide.

Mr. Buck asked if there were comments from neighbors. Mr. Tomporowski stated that the neighbors were supportive.

Public Hearing:

There was no one present to speak in favor of or in opposition to the proposed application.

Discussion:

Mr. Cummings stated that there are many homes with pools in this neighborhood and had no problems with it. Ms. Osewalt agreed that the request seemed reasonable.

Motion to Approve: Mr. Buck moved to approve the request of the applicant. The motion was seconded by Mr. Cummings

Roll Call Vote: Ayes – Buck, Moreland, Reddington, Cummings, and Osewalt. Motion approved unanimously.

(B) Case Number: BOA 17-100071

Name of Applicant: Louise Johnson

Property Address: 905 North 2nd Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for the approval for a rear yard setback of 25.5 feet, in lieu of 30 feet required; and for 41.3% lot coverage lieu of 35% maximum, to allow for an addition to a single-family dwelling.

Applicant: The applicant, Ms. Louise Johnson, 905 2nd Avenue North, stated that the house was 900 square feet, and they need more room. She said the plan was to add about 600 square feet. Mr. Cummings asked about the size of the lot. Ms. Johnson stated the lot and the dwelling unit were both non-conforming.

Public Hearing:

There was no one present to speak in favor of or in opposition to the proposed application

Discussion:

Ms. Osewalt stated that there would only be an infringement to the lot in back, and lot coverage was the main issue. Mr. Moreland noted that if the lot were standard, it would only occupy 34.6% of the lot. Mr. Cummings agreed that the request was reasonable.

Motion to Approve: It was moved by Mr. Cummings to approve the request in the application. The motion was seconded by Mr. Buck.

Roll Call Vote: Ayes - Buck, Osewalt, Reddington, Cummings, and Moreland. The motion to approve the application was approved unanimously.

(C) Case Number: BOA 17-100073

Name of Applicant: Kevin Newsome

Property Address: 1125 North 13th Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for the approval for 45% lot coverage lieu of 35% maximum, to allow for a swimming pool and deck addition to an existing dwelling.

Applicant: The applicant, Kevin Newsome, 1125 13th Avenue North, stated that he was denied earlier and has removed a side yard setback request and reduced coverage from 47% to 45%. He stated that the original owner had taken up the 35% lot coverage. He stated that he would be removing patios to put in the request. He added that the existing coverage is 39%.

Mr. Cummings noted that the lot was smaller than the minimum size. In response to Mr. Buck, Mr. Newsome stated that none of the neighbors had problems the request.

Mr. Moreland noted that this would constitute 34.1% coverage for a standard lot in this zoning category.

Public Hearing:

There was no one present to speak in favor of or in opposition to the proposed application

Discussion:

Mr. Buck noted that the lot is substandard for the district, so certainly there was a hardship. Mr. Cummings stated that Mr. Newsome moved the pool equipment to the other side of the house in response to Board's concerns.

Motion to Approve: It was moved by Mr. Buck to approve the request in the application. The motion was seconded by Mr. Reddington.

Roll Call Vote: Ayes - Buck, Osewalt, Reddington, Cummings, and Moreland. The motion to approve the application was approved unanimously

(D) Case Number: BOA 17-100089

Name of Applicant: Timothy Franklin

Property Address: 2818 Madrid Street

Application: Ms. Osewalt read into the record the applicant's request, which was for the approval of an appeal of the Planning and Director's Interpretation of Article VIII, Plan Development Standards Section 34-406(b)(4)(b), related to fence height restrictions for portions of a fence exceeding six feet in height as applicable to the approval of a fence permit application.

Applicant: The City Attorney, Susan Erdelyi explained the procedures for the hearing. Ms. Erdelyi provided a copy of the code provisions to the Board. The applicant, Mr. Timothy Franklin, 60 Ocean Blvd., Suite 10, stated that he was there to represent Mr. Mike Dudley. He stated the Mr. Dudley called him to ask about the height of a fence that was being constructed on the parcel next to his.

Mr. Franklin stated that Mr. Butler with the City came out and provided an analysis of the fence height, and stated that they were not happy with the City's interpretation. He provided the Board with written and photo exhibits. He stated that they were satisfied with some aspects of the interpretation. He noted that the fence is not a lattice top fence, and compared the fence with his applicant's fence. Mr. Franklin reviewed Mr. Mann's interpretation of the fence height and noted where he disagreed with that interpretation. Mr. Franklin stated that any portion above six feet in height must be built with openings to allow the free flow of air, which shall be evenly distributed. He stated that the architect went to seven feet with the other foot relatively clear, making it 25%. Mr. Franklin stated that allows for seven foot fences in Jacksonville Beach.

Mr. Moreland asked Mr. Franklin for the part of the Code that says the City favor lattice work. Mr. Franklin said that there is nothing in the code that favors as such, but that is the norm.

Mr. Buck stated that all fences in the neighborhood were six feet. He asked Mr.

Franklin about the requirement for the fence heights. He stated that his client lives in a neighborhood that is governed by covenants and restrictions.

Mr. Mann responded that the lower fence with the toppers would be allowed within the six to eight-foot range. He stated that topper type elements are included. He added that the lattice has to be supported anyway so there would not be an even distribution. Mr. Mann reviewed other types of fence toppers besides lattice that would have been acceptable. He then went on to explain his interpretation of the photos. Discussion followed on the design of the subject fence.

Mr. Franklin disagreed with Mr. Mann's interpretation on the openness of the area above six feet. He added that all poles are going to count against the 25% opacity and were ok with that interpretation. Mr. Franklin disagreed that this would not set a precedent.

Ms. Osewalt asked if any of the other neighbors upset with the fence. Mr. Franklin stated that the only parcel affected by the fence is Mr. Dudley's property.

Mr. Cummings asked if they used lattice and provided for the 25% opacity did they not meet the Code. Mr. Franklin responded that he could accept that but not the fence as built. He said the 25% does not start at the six-foot point.

Mr. Reddington asked what was attaching the material to the wall. Mr. Mike Dudley, 246 Kaman Court, stated that the lattice was put on top after he complained. He stated that they were drilled into the wood. Mr. Reddington asked Mr. Mann if he redid the permit. Mr. Mann stated he could not answer that as he did not do the fence inspection.

Ms. Erdelyi noted her role was procedural. She stated that the portion being appealed is what they need to rule on. She noted that courts show deference to the City in the interpretation of the Code. Then she noted the parameters of their decision from the Land Development Code.

Public Hearing:

There was no one present to speak in favor of or in opposition to the proposed application.

Discussion:

Mr. Cummings stated that when the lattice is put up, there would always be boards blocking the view. Ms. Osewalt stated that she agreed with staff that the opening was evenly distributed and met the Code.

Mr. Moreland stated that both sides were making reasonable interpretations, but he thought Mr. Mann's interpretation was supported and we need to give weight to the

Planning Director's interpretation.

Mr. Reddington stated that this person took advantage of portions of the Code.

Motion to Approve: It was moved by Ms. Osewalt that the appeal of the Planning Director's interpretation of the Land Development Code be denied... The motion was seconded by Mr. Cummings.

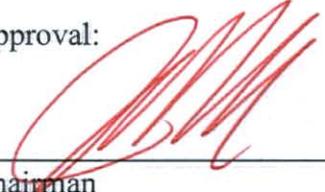
Roll Call Vote: Ayes - Buck, Osewalt, Reddington, Cummings, and Moreland. The motion to deny the appeal was approved unanimously

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:28 P.M.

Submitted by: Amber Maria Lehman
Staff Assistant

Approval:



Chairman

Date: 10/3/2017