

**Minutes of Board of Adjustment Meeting
Held Tuesday, June 20 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 *absent*

Alternates:

Francis Reddington *absent*
Chase Sams *absent*

Chairman Moreland notified the audience that there were only three Board members present and asked if anyone would like to defer their cases. Cases 100025, 100078, 100079, 100080, 100081, & 100082 were deferred.

Mr. Mann welcomed Ms. Stacy Tinker, the new Permit Specialist for Planning and Development.

Ex-parte Communications

There were none.

Approval of Minutes

There were none.

Correspondence

There was none.

NEW BUSINESS:

(A) Case Number: BOA 17-100069

Name of Applicant: Connie Rifkin

Property Address: 406 North 11th Street

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a rear yard setback of 11.4 feet, in lieu of 30 feet required to allow an addition to an existing single family dwelling.

Applicant: The agent noted that their rear yard request is from the easement and not the property line. The request is for a 5 yard setback. Mr. Mann noted that is it accurate. He noted that there is an easement but that is part of the property and they don't measure setback from the easement. Mr. David Rifkin, 406 North 11th Street, and Mr. Mike Hannah, 134 36th Avenue South introduced themselves. Mr. Rifkin noted that the back of the house is denoted different than what it appears. They are asking for an extension from the back of the house according to the plat. He added that there is a carport that is where the garage will go. He stated that they want to build an in-law suite for their elderly relatives.

Mr. Moreland asked how the property created a hardship. Mr. Rifkin responded that this is an odd lot because the front of the house is the side of the house. Mr. Mann stated that this is a corner lot property, and the setbacks are currently consistent for all setbacks. He noted that either way there would be a non-conforming setback with this request.

Mr. Rifkin stated that he has letters of support from the neighbors. He stated that this proposal will fit in with the neighborhood. Ms. Osewalt stated that the lot was conforming.

Mr. Hannah stated that the hardship comes from how they originally positioned the house. If the front door faced 3rd there would be no variance. He added that they would like covered shelter for the vehicles of them and their parents. He noted that the rear yard setback may be more appropriate as 5 feet instead of 11.4 feet. He noted that even with these structures they are still only at 33.8% lot coverage.

Mr. Mann noted that the separate unit cannot have kitchen facilities or it would constitute a separate dwelling unit and not be allowed. He explained how an addition could be made without asking for a variance.

Public Hearing:

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

However, Mr. Moreland noted that Ms. Lisa Sandstrom, 1171 3rd Avenue North, and Ms. Dee Hargett, 1104 4th Avenue North, had submitted cards in favor of the proposal.

Discussion:

Mr. Buck stated that the neighbors have no issues. He stated that they have given

setbacks from the 30 foot setback before and had no issues.

Mr. Moreland questioned whether there was a hardship, even though he stated that if he stretched it to consider the placement of the house he could consider it as one. Ms. Osewalt noted the standards for approval and asked whether the parcel already had a reasonable use of the property. He noted that they had the ability of accomplish what they wanted without a variance.

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

Roll Call Vote: Ayes – Buck. Nays – Moreland and Osewalt. Motion denied 2-1.

(B) Case Number: BOA 17-100083

Name of Applicant: Michael Murtagh

Property Address: 1026 South 2nd Street, Unit B

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a rear yard of 11 feet, in lieu of 30 feet required; and for 82.3% lot coverage lieu of 65% maximum, to allow a second story deck addition to the rear of an existing townhouse dwelling unit.

Applicant: The applicant, Mr. Michael Murtagh, 1026 South 2nd Street, Unit B, noted that it would be the only exit from the second story. Mr. Buck asked if they would conform to the other units. Mr. Murtagh noted yes except they would go out a little further. Mr. Moreland asked if it was necessary to for this much balcony for a second story exit.

Ms. Osewalt noted that 82% lot coverage was extensive. Mr. Mann asked how many units there were; there were 4 units. He explained how lot coverage is calculated for these types of units.

Mr. Moreland stated that he would be denied for something that other owners had the same type of development. Ms. Osewalt stated that he had reasonable use and there was no hardship.

Mr. Buck stated that the 19 foot deck was excessive. Mr. Buck stated that he was inclined to say yes if the deck was extended the same distance as the others.

Mr. Mann noted that he could build some deck without a variance.

Public Hearing:

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

Discussion:

Mr. Buck stated that the applicant should take into consideration about the other units, and the 19 foot deck was too much.

Motion to Approve: It was moved by Ms. Osewalt, to deny the application because the request was not the minimum that would make reasonable use of the parcel.. The motion was seconded by Mr. Buck.

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:52 P.M.

Submitted by: Amber Maria Lehman
Staff Assistant

Approval:



Chairman

Date:

10/3/2017