

**Minutes of Board of Adjustment Meeting  
held Wednesday, September 19, 2017, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**CALL TO ORDER**

Chairman John Moreland called the meeting to order.

**ROLL CALL**

*Chairman:* John Moreland  
*Vice-Chairwoman:* Sylvia Osewalt  
*Board Members:* Thomas Buck                      Scott Cummings                      Jeff Truhlar (*absent*)  
*Alternates:* Francis Reddington (*absent*)  
Chase Sams

**Ex-parte Communications**

Mr. Moreland reported his ex-parte communications with Mr. Jolley who did not express an opinion one way or the other on a property on 1<sup>st</sup> Avenue South. The other Board members had none.

**Approval of Minutes**

There were none.

**Correspondence**

Mr. Moreland stated there is some correspondence, which would be discussed in the applicable case.

**Old Business:**

There were none.

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100143**

**Name of Applicant/Agent:** John Atkins, Atkins Builders, Inc.

**Owner:** First Baptist Church of Jacksonville Beach

**Property Address:** 505 North 3rd Avenue, 426 North 5th Street, 0 North 5th

**City of Jacksonville Beach Land Development Code Section(s) *Lot 12 and Lot 1:*** 34-339(e)(l)c.2, for corner side yard setbacks of 7.5 feet, in lieu of 12.5 feet minimum; and side yard setbacks of 5 feet, in lieu of 10 feet minimum; 34-

339(e)(l)c.3, for rear yard setbacks of 20 feet, in lieu of 30 feet minimum; 34-339(e)(l)f., for lot coverage of 49%, in lieu of 35% maximum; and 34-339(e)(l)h., for an accessory structure (walkway) setback of 1 foot, in lieu of 5 feet required.

**Lot 11 and Lot 2:** 34-339(e)(1)c.2, for corner side yard setbacks of 7.5 feet, in lieu of 12.5 feet minimum; and side yard setbacks of 5 feet, in lieu of 10 feet minimum; 34-339(e)(l)c.3, for rear yard setbacks of 20 feet, in lieu of 30 feet minimum; 34-339(e)(l)f., for lot coverage of 52.9%, in lieu of 35% maximum; and 34-339(e)(l)h., for an accessory structure (walkway) setback of 1 foot, in lieu of 5 feet required; to allow construction of four new two-family dwellings, for property legally described as Lots 1, 2, 11, & 12 Block 46, *Atlantic Park*.

**Applicant:** The applicant, Mr. John Atkins, 286 South 1<sup>st</sup> Street, Jacksonville Beach, stated the project was similar to one they did last year on 2<sup>nd</sup> Street. He stated the hardship for this variance would not provide any more rights than other properties in the same zoning district, noting most properties in this area are non-conforming. He noted they are asking for eight units when eighteen units could be built. He stated the units are two stories in keeping with the neighborhood. He added the neighbors did not oppose the proposal. He provided a handout to the Board Members.

Ms. Osewalt asked about the hardship. Mr. Atkins stated this interpretation would deprive the applicant of the rights which other parcels have in the same zoning district. He stated parking is more than sufficient to accommodate the development.

Mr. Moreland asked if they could get the coverage down below 50%. Mr. Atkins responded he could do 65% if they joined the units rather than have them as separate duplexes. Zoning code states for two duplexes the lot coverage is 35% maximum if two 4-plexes the lot coverage is 65% maximum. Mr. Atkins stated they might be able to address it through the driveways.

**Public Hearing:**

Mr. Art Graham, 602 3<sup>rd</sup> Avenue North, Jacksonville Beach, stated one lot was an empty lot and the other, a single family home. He noted they could build an apartment there and are thankful they weren't. He added in the previous request he had stated twelve lots were too dense for the area but thought eight lots was acceptable.

Mr. John Tipton, 503 6<sup>th</sup> Street North, Jacksonville Beach, stated smaller units could be built and expressed concern about drainage.

Ms. Jan Tipton, 503 6<sup>th</sup> Street North, Jacksonville Beach, wished not to speak but is opposed to the motion.

Mr. Greg Varndell, 856 Bucks Harbor Drive West, Jacksonville, stated he is the pastor of the church of First Baptist Church of Jacksonville Beach and presented

petitions from several church members in favor of the proposal. He stated the church was unanimously in support of the proposed project.

Mr. Moreland asked Mr. Atkins to respond to the criticisms expressed.

Mr. Atkins stated the lot coverage of 52.9% was the minimum necessary to build the project. He does not want to go anywhere close to 65% lot coverage.

Mr. Cummings asked about the breezeways. Mr. Buck stated there are breezeways shown in the drawing. Mr. Atkins stated if there were a breezeway between the two duplexes it would be considered a multi-family building instead of two duplexes. Mr. Mann noted for clarification the current plan is for two family dwellings for which the allowable lot coverage is 35% maximum. If a breezeway is added, then he would have two 4-plexes which are allowed 65% lot coverage.

**Discussion:**

Mr. Cummings stated the proposal was reasonable but expressed concern about the request over 50% lot coverage. Ms. Osewalt stated she agreed; it would not be unreasonable to reduce coverage to 49.9%.

**Motion:** It was moved by Mr. Moreland, and seconded by Ms. Osewalt for the approval of BOA 17-100143 for Lots 12 and 1 as written and presented, and Lots 11 and 2 as written and presented, with the amendment to reduce lot coverage to 49.9% in lieu of 52.9% requested, as shown and discussed.

**Roll Call Vote:** Ayes – Buck, Moreland, Cummings, Sams, and Osewalt.  
The motion as amended, was approved unanimously.

**(B) Case Number: BOA 17-100144**

**Name of Applicant / Owner:** Nathan Hayes

**Property Address:** 2001 Waterway Island Lane

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e., for 41.5% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property legally described as Lot 7, *Preserve at Waterway Island*.

**Applicant:** The applicant, Mr. Hayes, 4419 Seabreeze Drive, Jacksonville, stated that, consistent with the Board's recommendation in July, they have modified their request. He stated the floor plan had been adjusted, so a rear yard setback was no longer requested. He added they reduced their garage size and driveway size. He stated other variances were granted in the neighborhood for greater coverage. He has three letters from neighbors who are in favor of his requested variance.

**Public Hearing:**

Mr. Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, stated it was

unclear the difference between the previous request and Mr. Hayes' current request. The public information provided should be clearer.

Mr. Tony Davenport, 336 14<sup>th</sup> Avenue North, Jacksonville Beach, stated his opposition to any lot coverage request. He stated they should stay with 35% lot coverage.

The applicant responded to the criticisms stating they considered the Board's input from the last time for this proposal and hoped the Board would approve this variance.

**Discussion:**

Ms. Osewalt noted the lot was irregularly shaped. Mr. Buck stated the applicant took into account the input from the Board and agreed the lot was irregular. Mr. Mann noted to the audience this application was allowed to come back because it was changed by more than 25%.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Buck to approve BOA 17-100144 as read into the record.

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

**(C) Case Number: BOA 17-100145**

**Name of Applicant/Owner:** 1030 Ocean View, LLC

**Property Address:** 1030 South 2<sup>nd</sup> Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-342( e)(3)b., for a corner side yard of 5 feet, in lieu of 10 feet required; 34-373(a)(1) for 7.5 feet parking space width for three spaces, in lieu of 9 feet required; 34-373(c) for 10 feet maneuvering area, in lieu of 23 feet, for 3 spaces; 34-377 for 9 off-street parking spaces, in lieu of 14 required; to allow construction of a 4,200 square foot professional office building, for property **legally described** as the South 40.0 feet of Lots 11 and 12, Block 103, *Pablo Beach South*.

**Applicant:** The applicant's agent, Mr. Joe Loretta, 6621 Southpoint Drive North, Suite 300, Jacksonville, provided the Board with an information packet. Mr. Brent Paris, 256 Royal Tern North, Ponte Vedra Beach, introduced himself as the owner of the property. He stated their objective was to develop an office building, wanted to improve the existing property which has no parking and currently has two multi-family residences. They would like to add parking spots, sidewalks, and would like to improve the drainage of the property.

Mr. Loretta stated there are conditional use, multi-family units on the parcels around this property. He stated the goal is to have an office building with the same vernacular as the properties along 2<sup>nd</sup> Street South. He added the property is

substandard in size and the property owner would be paying for the improvements on 11<sup>th</sup> Avenue South adjacent to their lot rather than the City. Mr. Loretta then provided a traffic study showing how the office building parking and traffic is complementary to the residential neighborhood. He also noted the office building would have to address its storm water runoff on site, whereas a residential project would not.

Mr. Cummings asked about the driveway off of 11<sup>th</sup> Avenue South. Mr. Loretta stated it is for parking underneath the building and could be used by the restaurant in the evening. Mr. Moreland asked about the parking for golf carts. Mr. Loretta stated there are three compact spaces. Mr. Loretta then explained the request for a variance for the maneuvering space is for the spaces on 2<sup>nd</sup> Street.

**Public Hearing:**

Ms. Leah Tahiry, 1031 1<sup>st</sup> Street South, Apt #907, Jacksonville Beach, stated her concerns with the increase in traffic and lack of green space. She added the applicant did not speak to the surrounding residential neighborhood.

Mr. Wayne McLarey 2 20<sup>th</sup> Avenue South, Jacksonville Beach and Mr. Lyndon Hayes 3000 1<sup>st</sup> Street South submitted speaker cards and were in favor of the item. But they did not wish to address the Board.

Speaker cards from Mr. Harrison, Mr. Meeker, and Mr. Madigan are opposed to the agenda item. But did not wish to address the Board.

Ms. Lisa Brown, 1115 2<sup>nd</sup> Street South, Jacksonville Beach, stated concerns about the property being commercial on this parcel when it is a residential area. She wondered about the kinds of businesses and the impact on parking. She expressed support for drainage improvements.

Mr. Bruce Kern, 1031 First Street South, Jacksonville Beach, expressed his support for the proposed project. He stated the parcel is an eyesore and has drainage issues which would be addressed by this project.

Ms. Kimberly Fico, 1026 2<sup>nd</sup> Street South, Jacksonville Beach, stated she spoke for the four families in the Condo Association across the street. She expressed concerns about drainage resulting from the project. She also expressed concern about parking issues.

Mr. Robert Welton, 1032 First Street South, Jacksonville Beach, stated he is a ten-year advocate for the community and expressed his opposition to the proposal. He stated the parking issue is being distorted. He stated the proposal for small compact spaces is not correct. He added this is a residential community and not appropriate for commercial development such as the one proposed. He added drainage improvements are already budgeted by the City.

Mr. Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, stated the project is required to have fourteen parking spots, and they are asking to reduce it to nine,

with three small spots. He stated the building is too big for the property and provided Google pictures of the area to the Board.

Mr. Loretta addressed the concerns stating they were meeting the lot coverage criteria. He stated traffic would not impact the roads any more than townhouses. He stated parking would be in the right-of-way on weekdays during the day when there is not a demand. He added if they built a townhouse they would not have to address on-site drainage. He stated the design would match the townhouse development in the area.

**Discussion:**

Ms. Osewalt expressed concern with the compact spaces and maneuverability. Mr. Mann then explained the parking design on the applicant's plan. Ms. Osewalt also expressed concern about the size of the building.

Mr. Cummings lauded the plan for being compatible with the area but expressed concern about the parking issues.

Mr. Buck reported, currently, they are parking on the right-of-way. He agreed there would not be an issue with night parking.

Mr. Moreland stated the design would fit in with the neighborhood. He stated the daytime use of the office building would help alleviate his parking concerns.

**Motion:** It was moved by Ms. Osewalt that BOA 17-100145 for the variance to be denied. The motion died for lack of a second.

**Motion:** It was moved Mr. Buck, and seconded by Mr. Cummins to approve BOA 17-100145 as read into the record.

**Roll Call Vote:** Ayes – Buck, Moreland, and Cummings.

Nays – Sams, and Osewalt.

The motion to approve the application passed by a 3-2 vote.

**(D) Case Number: BOA 17-100154**

**Name of Applicant/Owner:** Kendra Kirkland-Griffin

**Agent:** Randolph Rice, Rice Architect, LLC

**Property Address:** 840 South 2<sup>nd</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-339(e)(1)c.2, for side yard setbacks of 7.5 feet each, in lieu of 10 feet required; 34-339(e)(1)c.3., for a rear yard setback of 15 feet in lieu of 30 feet required; 34-339(e)(1)(f)., for lot coverage of 40%, in lieu of 35% maximum to allow construction of a two-family dwelling, for property **legally described** as *the North 60 feet of the East 50 feet of Lot 3, Block 29, Pablo Beach South.*

**Applicant:** The agent for the applicant, Randolph Rice, 961687 Gateway Blvd., Suite 201H, Amelia Island, provided a letter from the prospective buyer of the property and an example of another property in the neighborhood which received a similar variance. He stated they took the Board's suggestions from the previous request. They are no longer asking for a front yard variance request. He stated the other requests were the minimum they could ask for and build a duplex on this parcel. He stated the lot coverage would be less than 40%, but the request is for a very small increment over 35%. He stated they would need to build a 3-story duplex to make it work.

**Public Hearing:**

Ms. Osewalt read correspondence received from Ms. Amy Jewell, 852 2<sup>nd</sup> South Avenue, Jacksonville Beach, concerning this request objecting to the variance. She stated it would cause a hardship for her property and the surrounding properties with increased parking and lack of green space causing more flooding. Also, this 3-story structure would block the light to the east side of her home and in turn would decrease the re-sale value.

The following submitted speakers cards in opposition to the agenda item, but did not wish to speak before the Board:

- Betty Palmer, 57 10<sup>th</sup> Street South, Jacksonville Beach
- William McLaurin, 102 South 11<sup>th</sup> Street, Jacksonville Beach
- Peggy Johnson, 125 South 9<sup>th</sup> Street, Jacksonville Beach
- Hazel Martin, 125 9<sup>th</sup> Street, Jacksonville Beach
- Marjorie Holloway, 824 1<sup>st</sup> Avenue South, Jacksonville Beach
- Valley Hollway, 824 1<sup>st</sup> Avenue South, Jacksonville Beach

The following submitted speakers cards in favor of the agenda item, but did not wish to speak before the Board:

- Brenda Kierce, 10943 Naples Court North, Jacksonville

Mr. Sam Thomas, 2289 South Beach Parkway, Jacksonville Beach, representing the church across the street from this property. He stated the church members were opposed to the parcel variance and wanted the property owners to comply with the rules. He noted there were parking issues already and this would make it worse.

Ms. Lawilda Bartley, 4424 Ellipse Drive, Jacksonville and seller of the subject property, stated they simply wanted to sell their property and offered it to the church who wanted to pay them too little.

Mr. John O'Malley, 695 Selva Lakes Drive, Atlantic Beach, noted this lot is not zoned single family, and this proposal is the only way a duplex with a two car garage is feasible and should not affect parking in the area.

Mr. Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, expressed concern about parking from this 3-story duplex. He stated this is too much square footage

for this small of a lot.

Ms. Angela Smith, 1117 Atlantic Boulevard, Neptune Beach, Real Estate agent for the applicant, spoke in favor of the application. She stated the efforts to address the Board's previous decision was considered carefully and they worked hard on the current plan before the Board.

Mr. Rice noted the church was using this parcel for free parking for many years. He stated no one is compliant in this neighborhood and it would be unfair to hold the applicant to a higher standard.

**Discussion:**

Ms. Osewalt clarified for the audience the Board can only make a unit have two parking spaces. Mr. Mann clarified the difference between a non-buildable lot and a non-conforming lot, noting the minimum development can be built on a non-conforming lot. Mr. Mann also explained palm and pine trees are not protected trees in this city, but this property will be required to comply with our landscaping standards when developed.

Ms. Osewalt stated the reduction in lot coverage requested was a positive thing. She noted the lot is 2000 square feet smaller than the standard lot in this zoning district. Mr. Moreland agreed and stated this type of duplex is different than others in the City. Mr. Buck stated the proposed parking plan, a garage for two cars and a drive way for two more, is better than what is currently existing.

**Motion:** It was moved by Ms. Osewalt and seconded by Mr. Cummings to approve BOA 17-100154 as read into the record.

**Roll Call Vote:** Ayes – Buck, Moreland, Cummings, Sams, and Osewalt.  
The motion to approve the application passed unanimously.

**(E) Case Number: BOA 17-100157**

**Name of Applicant/Owner:** Adrian Faulkner

**Property Address:** 3318 South 1<sup>st</sup> Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.1., for a front yard setback of 20.5 feet, in lieu of 25 feet required; 34-336(e)(1)c.2., for a northerly side yard of 7.5 feet, and a southerly side yard of 7.2 feet, each in lieu of 10 feet required; 34-336(e)(1)c.3., for a rear yard setback of 12 feet, in lieu of 30 feet required; 34-336(e)(1)e., for 50% lot coverage, in lieu of 35% maximum, to allow construction of a single-family dwelling, for property, **legally described** as Lot 2, Block 6, *Atlantic Shores*.

**Applicant:** The applicant, Mr. Adrian Faulkner, 3318 1<sup>st</sup> Street South, provided a survey of the proposed property. He stated the lot size was substandard, and they were looking at coverage which would equate to 26% lot coverage of a conforming lot. He stated the required setbacks provide too little buildable space to construct a

single family home.

Mr. Buck asked about the coverage of the lot. Mr. Faulkner stated there used to be a triplex on the property. He stated the lot coverage was probably around 90%. He added the concrete pavers had been removed.

Ms. Osewalt asked about the rear neighbors. Mr. Faulkner stated there were four lots behind the property. He stated he has met with the home owners and received no opposition, adding the setback would be for a covered lanai and breakfast nook.

Mr. Buck stated the second drawing shows the existing concrete and he understood it would be taken out. Mr. Faulkner confirmed it had been removed.

Mr. Cummings stated he had concerns about the rear yard setback. He asked Mr. Faulkner if there was something they could change to address it and the percentage coverage. He stated they could address it through a change to the driveway to bring it down to 46% total coverage.

**Public Hearing:**

Mr. Moreland noted he had a speaker card from Ms. Smith in favor of the proposed variance.

**Discussion:**

Ms. Osewalt stated as she understands it Mr. Faulkner has agreed to reduce the driveway to a 46% lot coverage.

Mr. Buck noted they adjusted the plan from 15 foot, in a previous variance, to a 20-foot setback in the front. This now makes the home more in line with others in the neighborhood. He is willing to accept the rear yard setback as requested.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Buck to approve BOA

17-100157 as read into the record, with the exception of the lot coverage being 46%, not 50%.

**Roll Call Vote:** Ayes – Cummings, Sams, Osewalt, Buck, and Moreland.  
The motion to approve the application passed unanimously.

**(F) Case Number: BOA 17-100158**

**Name of Applicant/Owner:** Karen Wekstein

**Property Address:** 3148 Pullian Court

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(l)e., for 43.7% lot coverage, in lieu of 35% maximum, to allow a pool addition to a

single-family dwelling, for property **legally described** as Lot 12, Block 12, *Jacksonville Beach Heights*.

**Applicant:** The applicant, Mr. Larry Frank, 5290 Bay Island Drive, Jacksonville, stated the lot is non-compliant, and they need the variance to construct a pool. He noted other properties in the area were granted the same type of variance.

Mr. Moreland asked if this was the least amount which could be requested. Mr. Frank stated 43.7% was the least amount.

**Public Hearing:**

No one wished to come forward and speak on the matter.

**Discussion:**

Mr. Buck stated the applicants are asking for what all the neighbors had received approved variances for. Denying the request would be difficult.

**Motion:** It was moved by Mr. Buck, and seconded by Mr. Cummings to approve BOA 17-100158 as read into the record.

**Roll Call Vote:** Ayes – Osewalt, Buck, Moreland, Cummings, and Sams.  
The motion to approve the application passed unanimously.

**(G) Case Number: BOA 17-100168**

**Name of Applicant:** Anthony and Linda Reid

**Property Address:** 1115 North 10<sup>th</sup> Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.3., for a rear yard setback of 26.4 feet, in lieu of 30 feet required; 34-336(e)(1)e., for 37% lot coverage, in lieu of 35% maximum; to allow an addition to an existing single-family dwelling, for property **legally described** as Lot 7, Block 12, *Beaches Homesites Unit Two*.

**Applicant:** The applicant, Ms. Kristin Reid, 1115 10<sup>th</sup> Street North, stated they would like to add a living room and master bedroom to the back area of the house. She added they were trying to convert the back part of the home to become ADA accessible.

Ms. Osewalt asked about the screened porch. Ms. Reid stated they would like to take it down, but at this time those plans are still in discussion. The porch would either be removed, or the current structure would be improved.

**Public Hearing:**

No one wished to come forward and speak on the matter.

**Motion:** It was moved by Mr. Cummings, and seconded by Ms. Osewalt to approve BOA 17-100168 as read into the record.

**Roll Call Vote:** Ayes – Buck, Moreland, Cummings, Sams, and Osewalt.  
The motion to approve the application passed unanimously.

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 9:34 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

Sylvia W. Osewalt

Chairman

2/20/2018

Date