

**Minutes of Board of Adjustment Meeting
held Wednesday, February 6, 2018, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairwoman Sylvia Osewalt called the meeting to order.

ROLL CALL

Chairwoman: Sylvia Osewalt
Vice-Chairman: Jeff Truhlar
Board Members: John Moreland, Scott Cummings, Thomas Buck
Alternates: Francis Reddington, Lucas Snyder

Also in attendance was George Knight, Building Official, and Cathy Martinich, Permit Specialist.

Ex-parte Communications

Ex-parte communications were received by the Board members, as follows:

- Sylvia Osewalt received two phone calls from neighbors regarding case number 17-100224, who were against the variance and would be attending the meeting.
- John Moreland, received phone calls from Leah Hudson and Mary Hall regarding case number 17-100224, against the request.
- Thomas Buck received two phone calls regarding BOA # 17-100224, opposing the variance application.
- Jeff Truhlar received no communications.
- Scott Cummings received a phone call, but the message was garbled and unclear.
- Francis Reddington received a phone call from Ms. Hudson who is in opposition to BOA# 17-100224.
- Lucas Snyder received no communications.

Approval of Minutes

It was moved by Mr. Truhlar, seconded by Mr. Moreland, and passed unanimously, to approve the following minutes:

- January 17, 2018

CORRESPONDENCE: Communications regarding applications and will be read at the time the case is heard.

OLD BUSINESS: *None*

NEW BUSINESS:

(A) Case Number: BOA 17-100233

Name of Applicant: Greg S. Kupperman

Property Address: 590 South 1st Street

City of Jacksonville Beach Land Development Code Section(s) 34-340(e)(3)c.1, for a front yard setback of 9.5 feet, in lieu of 20 feet required; 34-340(e)(3)c.2, for a corner side yard setback of 12.1 feet, in lieu of 12.5 feet, and a side yard setback of 0.9 feet, in lieu of 10 feet required; and 34-340(e)(3)c.3, for a rear yard setback of 2.8 feet, in lieu of 30 feet required; to allow substantial improvements to an existing multi-family structure, for property **legally described** as the East 10 feet of the South 62.5 feet of Lot 7, and the South 62.5 feet of Lot 8, Block 52 *Pablo Beach South*.

Applicant:

Greg S. Kupperman, 200 First Street, Suite B, Neptune Beach, FL 32266, explained the hardship as the existing structure, setbacks, and conditions are already in place. By enforcing setbacks, it would prevent any renovation, moving, or demolition of the current home, making it impossible to restore original characteristics of the structure. He confirmed extensive renovations are planned, taking the structure back to its original design, using the existing footprint.

Mr. Moreland said the property does not comply with the current zoning code and by approving the variance; the structure would then be in compliance, which would allow the renovations. Mr. Truhlar noted the current site lot coverage is 70% and the variance requested would reduce it to 48%. Mr. Kupperman confirmed the lot coverage reduction, explaining he will also be reducing density by changing the three rental apartments to an owner-occupied, two-unit structure. Ms. Osewalt asked him to explain how he planned to reduce lot coverage. Mr. Kupperman said it would be by removing decking and concrete. Discussion ensued regarding the setbacks requested.

Public Hearing:

The following people spoke in opposition to the application:

- Chris Cenci, 123 South 6th Avenue, Unit A, Jacksonville Beach, FL 32250
- Daleen Byrd, 123 South 6th Avenue, Unit A, Jacksonville Beach, FL 32250
- Paul Mangus, 112 South 5th Avenue, Jacksonville Beach, FL 32250

Mr. Kupperman reiterated the plans above, emphasizing a reduction in lot coverage, density while restoring and reusing as much as possible from the structure bringing it back to its original design. Ms. Osewalt asked Mr. Knight what percentage of work is required for the project to be brought entirely up to code. Mr. Knight responded it is 50%. He said this allows the use of existing foundations, if additional stories are added, secondary foundations, may be required. Mr. Kupperman said he was not sure if 50% of the project would be revised.

Ms. Osewalt closed the public hearing.

Discussion:

The decreased lot coverage, with more green space and the 0.9-foot setback, were discussed.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA# 17-100233, revising the northerly 0.9-foot side yard setback to 5 feet, in lieu of 10 feet, as shown and discussed.

Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Scott Cummings, and Thomas Buck

Nays – Sylvia Osewalt

The motion was approved with a 4 to 1 vote.

(B) Case Number: BOA 17-100235

Name of Applicant: Thomas Brown

Property Address: 908 North 7th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-347(e)(1)e., for 39% lot coverage, in lieu of 35% maximum; to allow a pool and deck addition to a single-family dwelling for property **legally described** as Lot 2, Block 80, *Pablo Beach Improvement Company's Plat of Part of Northern Portion of Pablo Beach*.

Applicant:

Thomas Brown, 908 North 7th Avenue, Jacksonville Beach, FL 32250, explained his lot is undersized. He confirmed the deck referred to in the variance application was for pavers around the pool.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Discussion:

No discussion.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve the application as presented.

Roll Call Vote: Ayes – John Moreland, Scott Cummings, Thomas Buck, Sylvia Osewalt, and Jeff Truhlar.

The motion was approved, unanimously.

(C) **Case Number: BOA 17-100238**
Name of Applicant: Mark A. Darr

Property Address: 234 St. Augustine Boulevard, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1, for a front yard setback of 20 feet, in lieu of 25 feet required; 34-336(e)(1)c.2, for side yard setbacks of 5 feet each, in lieu of 10 feet required; and 34-336(e)(1)e., for lot coverage of 45.5%, in lieu of 35% maximum: to allow construction of a single-family dwelling, for property **legally described** as Lot 13, Block 22, *Replat of Unit 1, Atlantic Shores*.

Agent:

Larry A. Rice, 12 Ponte Vedra Circle, Ponte Vedra Beach, FL 32082, began by introducing the prospective buyers, James and Jennifer Kjellman, of the property recently purchased from Mr. Mark Darr, by Dream Finders Homes (warranty deed attached). Mr. and Mrs. Kjellman have written permission to speak to the Board as the Applicant.

New Applicant:

James Kjellman, 118 Nyra Street, Jacksonville, FL, explained the lot is substandard, close to A1A, and a gas station is across the street. The floor plan presented is designed to maximize a safe backyard for any future children. The Board proceeded to confer with Mr. and Mrs. Kjellman and Mr. Rice about the variance request.

Public Hearing:

One person came forward to speak in opposition to the application.

- John Tipton, 503 North 6th Street, Jacksonville Beach, FL 32250

Mr. Rice responded many beach lots are undersized and require a greater lot coverage for a dwelling.

Ms. Osewalt closed the public hearing.

Discussion:

The Board continued their discussion about lot coverage and the side setbacks. Mr. Moreland pointed out if the lot was standard in size the lot coverage would be 27%.

Motion: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve BOA# 17-100238.

Roll Call Vote: Ayes – Thomas Buck, Sylvia Osewalt, Jeff Truhlar, John Moreland
Nays – Scott Cummings

The motion was approved with a 4 to 1 vote.

(D) Case Number: BOA 17-100224

Name of Applicant: Kyle Paskowitz, Payne Roberts, LLC

Property Address: 417 and 429 North 2nd Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(1)c.2, for 7.5 feet side yard setbacks, in lieu of 10 feet required; 34-339(e)(1)f., for 45.7% lot coverage, in lieu of 35% maximum; 34-339(e)(1)h., for accessory structure setbacks of 1.5 feet, in lieu of 5 feet required; 34-373(a)(1), for parking space width of 8 feet, in lieu of 9 feet required; to allow construction of three two-family dwellings, for property **legally described** as Lot 8, 9, and 10, (for this application) Block 35, *Atlantic Park Replat of Part Pablo Beach North*.

Applicant:

Kyle Paskowitz, Payne Roberts, LLC, 3721 Dupont Station CT., Jacksonville, FL 32217, stated his hardship is the lots are substandard. The current structures are dilapidated, and the six new townhomes would improve the looks of the neighborhood. He said in the last two years there have been nine variances granted for similar structures. Mr. Paskowitz commented they would build on these properties regardless if the variance is approved or not. They would develop the property with a three-story structure instead of two-story, which would not be as attractive for the neighborhood.

Mr. Cummings asked when the property was purchased and then stated, “You are here threatening the people that you will build a three-story unit, based on your purchase of the land. I am here to listen to your variance this evening, not what you propose to do if you don’t get your variance.” Mr. Paskowitz said he was not threatening the people, he said they do have other plan options for the townhomes.

Discussion continued regarding lot coverage and additional design plans for the townhomes. It was determined 34-339(e)(1)h., for accessory structure setbacks of 1.5 feet, in lieu of 5 feet required, was not needed. Ms. Osewalt verified Mr. Paskowitz understood the 1.5 feet would be removed from the application.

Public Hearing:

The following Jacksonville Beach residents spoke in opposition:

- John Tipton, 503 North 6th Street
- Shandy Thompson, 522 South 3rd Avenue
- Christi Elflein, 3512 Bay Island Circle
- Mackenzie Robinson, 406 North 3rd Avenue
- Leah Hudson, 404 North 3rd Avenue
- Tony Komarek, 533 South 11th Avenue
- Samuel Hall Jr., 404 North 3rd Avenue
- Monica Bernhardt, 623 North 2nd Avenue

- Mary N. Hall, 614 North 3rd Avenue
- Wayne Carlisle, 428 North 2nd Avenue

The following Jacksonville Beach residents are in opposition to the application but do not want to address the board:

- Penny Yamamoto, 821 North 3rd Avenue
- Hana Nishiyama, 821 North 3rd Avenue
- Maki Kato, 902 North 3rd Avenue
- Brenda P. Greer, 315 North 8th Street
- Bill and Carolyn Stevens, 733 North 2nd Avenue
- Darren and Karen Carr, 737 North 3rd Avenue
- Christa Murphy, 519 North 6th Street
- Jo E. Deighan, 422 North 6th Street
- Trey Phillips, 934 North 10th Street
- Mary Phillips, 934 North 10th Street
- Tammy Nishiyama, 823 North 3rd Avenue

Mr. Paskowitz re-stated his case for the requested variance and agreed to revisit alternative townhome designs. Mr. Moreland suggested to the applicant to meet with the surrounding residents and try to come up with a plan that will address some of their concerns.

Sylvia closed the public hearing.

Discussion:

There was no discussion on the variance. Mr. Cummings informed the audience that this Board cannot change the land development code and urged them to go to the City Council for such changes.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, that BOA# 17-100224, be denied, because it is not the minimum necessary use of the land, and is inconsistent with the land development code.

Ms. Osewalt stated voting “yes” is a vote in favor of the motion.

Roll Call Vote: Ayes – Thomas Buck, Sylvia Osewalt, Jeff Truhlar, John Moreland, and Scott Cummings.

The motion was denied, unanimously.

(E) Case Number: BOA 17-100236
Name of Applicant: Keith Frazier

Property Address: 15 North 16th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Section(s) 34-340(e)(3)c.1, for a front yard setback of 3.3 feet, in lieu of 20 feet minimum; and 34-340(e)(3)e., for 70.25% lot coverage, in lieu of 35% maximum; to allow a second floor balcony

addition to an existing multi-family dwelling, for property **legally described** as the East 12.0 feet of the South 43.0 feet, 8 inches of Lot 4, Block 171, *Pablo Beach North*.

Agent:

Frank Malle, 5425 Riverwood Road North, St. Augustine, FL 32092, explained this is a substantial hardship for a divided, four-unit property. He took the project over from another builder, with an approved building permit. They discovered once into the construction project a proper staircase was necessary to provide egress to the 4th unit on the west of the building from the balcony. He explained a window was replaced with French doors as required for egress, as there was no way to access the 4th unit. A staircase from the balcony on both the south and west sides of the building are required, per the Fire Marshall. Mr. Malle said he is aware some of the neighbors were upset; they want to be good neighbors and make a substantially improved, nice looking property. Mr. Malle presented photos of the project as it is today. The Board continued to discuss with Mr. Malle the lot coverage and setbacks.

Public Hearing:

The following Jacksonville Beach residents spoke in opposition:

- Dan Ivan, 1701 North 1st Street 8A
- Susan Wiegers, 1701 North 1st Street 6B
- Kirk Wiegers 1701 North 1st Street 6B

The following Jacksonville Beach residents are in opposition to the application but do not want to address the board:

- Duane Saks, 1701 North 1st Street 8B
- Betty Saks, 1701 North 1st Street 8B
- Monica Ivan, 1701 North 1st Street 8a
- Cathy A. Culligan, 1701 North 1st Street 4A
- Cindi Catir, 1701 North 1st Street, 3A
- Judith Rodriguez, 1701 North 1st Street A5
- George Rodriguez, 1701 North 1st Street A5
- Gary Lindros, Sr., Po Box 50278
- Lawrence R. Thon, 1701 North 1st Street, B9

The following Jacksonville Beach residents sent email communications in opposition:

- Judith Rodriguez, 1701 North 1st Street
- Kirk Wiegers, 1701 North 1st Street, 6B
- Susan Wiegers, 1701 North 1st Street, 6B
- Richard Fulton, 1701 North 1st Street

Ms. Osewalt closed the public hearing.

Discussion:

Discussion ensued regarding the project, which included lot coverage, setbacks, parking

spaces, staircase, balcony, and necessary egress per the current building code, and requirements of the Fire Marshall.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 17-100236, for a front yard setback of 3.3 feet, in lieu of 20 feet minimum, to allow a second story balcony, with no roof over the balcony, to an existing multi-family dwelling, as presented and discussed.

Roll Call Vote: Ayes – Scott Cummings, John Moreland, Sylvia Osewalt, Jeff Truhlar
Nays – Thomas Buck.

The motion was approved, with a 4 to 1 vote.

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 9:40 P.M.

Submitted by: Cathy Martinich
Permit Specialist

Approval:

Sylvia Osewalt
Chairperson

3/6/2018
Date