

**Minutes of Board of Adjustment Meeting  
held Tuesday, February 20, 2018, at 7:00P.M.,  
in the Council Chambers, 11 North 3rd Street,  
Jacksonville Beach, Florida**



**CALL TO ORDER**

Vice-Chairman, Jeff Truhlar called the meeting to order.

**ROLL CALL**

*Chairwoman: Sylvia Osewalt (absent)*

*Vice-Chairman: Jeff Truhlar*

*Board Members: Thomas Buck, Scott Cummings, John Moreland*

*Alternates: Francis Reddington, Lucas Snyder (absent)*

Also in attendance were George Knight, Building Official, Laurie Scott, City Clerk, and Cathy Martinich, Permit Specialist.

**Ex-parte Communications**

No ex-parte communications were received by the Board members.

**Approval of Minutes**

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

- September 19, 2017

**CORRESPONDENCE:** *None*

**OLD BUSINESS:** *None*

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100180**

**Name of Applicant:** Paul West, Viridian Builders Corporation

**Owner:** Randall, Michael & Terrell DeLoach

**Property Address:** 39 South 35<sup>th</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.1, for a front yard setback of 20.7 feet, in lieu of 25 feet required; 34-336(e)(1)c.2, for side yard setbacks of 5 feet and 5.1 feet, each in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard setback of 5 feet in lieu of 30 feet required; 34-336(e)(1)e., for 37% lot coverage, in lieu

of 35% maximum, to allow construction of a new single-family dwelling, for property **legally described** as Lot 8, Block 6, *Atlantic Shores Oceanfront Division "A"*.

**Applicant:**

The applicant, Paul West, 593 Margaret Street, Neptune Beach, FL 32266 stated the hardship is that the property was purchased not knowing it was a flagged lot; an irregular lot. Mr. West stated that, in keeping with the neighborhood, they are to build a 2-story home. He stated that the total square footage of the lot coverage is 36.8 percent.

Current lot coverage was discussed. Mr. Buck asked if Mr. West has spoken with the neighbors. Mr. West replied that the neighbors did state some concerns about drainage, but he also stated the neighbor's property is higher up than the DeLoach property. There was a discussion between Board Members and Mr. West regarding drainage and lot width. Mr. West stated they will do the civil engineering and comply with whatever is required for lot drainage.

**Public Hearing:**

The following individual did not want to speak but are opposed to the agenda item:

- Gary Carter, 3500 Ocean Dr., Jacksonville Beach, FL 32250

The following individual spoke in favor of the agenda item:

- Randy DeLoach, 59 South 34<sup>th</sup> Avenue, Jacksonville Beach, FL 32250

Mr. Moreland closed the public hearing.

**Discussion:**

Mr. West answered several questions from the Board regarding size, coverage, and drainage. Board Members discussed the 5-ft setback.

**Motion:** It was moved by Mr. Moreland and seconded by Mr. Cummings to approve the application as presented, with the additional statement, as shown and discussed.

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

The motion was approved, unanimously.

**(B) Case Number: BOA 17-100005**  
**Name of Applicant:** Robert J. Branley

**Owner:** Simon Michael

**Property Address:** 2700 South Ocean Drive

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.1, for a front yard setback of 14 feet, in lieu of 25 feet required; 34-336(e)(1)c.2, for a westerly side yard setback of 6 feet, in lieu of 10 feet required; and a corner side yard setback of 7 feet, in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard setback of 7 feet, in lieu of 30 feet required; 34-336(e)(1)e., for 49% lot coverage, in lieu of 35% maximum; to allow construction, of a new single-family dwelling for property **legally described** as Lots 1 and 2, Block 4, *Atlantic Shores, Ocean Front Section Division "C"*.

**Applicant:**

Robert Branley, 127 13<sup>th</sup> Avenue South, Unit C, Jacksonville Beach, FL 32250 stated his hardship is that the lot is a substandard lot; a very small lot, as many are in that area. He stated that the other issue with the lot is that it is shaped like a parallelogram, which makes it awkward in terms of positioning a house that would face the street.

Mr. Branley answered several questions from the Board. A discussion ensued about variances, setbacks, the number of stories planned for the house, embellishments, square footage of the lot, and drainage. It was determined by the Board that there was possibly a discrepancy in the plans Mr. Branley brought to the Board and what was filed with the City.

The following individual spoke in opposition to the agenda item:

- Debi Cunningham, 3001 1<sup>st</sup> Street South, Jacksonville Beach, FL 32250

The following individual was in opposition to the agenda item but did not wish to speak:

- Gary Carter, 3500 Ocean Dr., Jacksonville Beach, FL 32250

Mr. Moreland asked if the applicant wanted to present their rebuttal.

Mr. Branley responded there has been a precedence set in that area, there are setbacks of 2 feet, 3 feet and zero. He went on to state that everyone in the area has been required to present to the Board for variance approvals.

Mr. Moreland closed the public hearing.

**Discussion:**

A discussion ensued about setbacks, lot coverage, and drainage. Mr. Buck spoke again to the fact the presented documents at the meeting differ from what was presented to the City when the application was made. Mr. Reddington suggested that the application be withdrawn from consideration for tonight for further clarification. Mr. Moreland suggested tabling the vote on this application.

**Motion:** It was moved by Mr. Buck and seconded by Mr. Moreland to table the application to the next available meeting to allow the City to review the documents and be brought again before the Board, which follows the rules of

the Land Development Code.

Mr. Moreland clarified a “yes” vote is to table the application until the next available meeting.

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

The motion was approved, unanimously.

(C) **Case Number: BOA 17-100006**  
**Name of Applicant/Owner: Michael Meiners**

**Property Address:** 833 South 2nd Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-340(e)(3)c.2, for an easterly side yard setback of 2.6 feet, in lieu of 10 feet required; to allow an addition to an existing two-unit, multifamily dwelling **legally described** as Lot 6, Block 82, *Pablo Beach South*.

**Applicant:**

Michael Meiners, 833 2<sup>nd</sup> Street South, Jacksonville Beach, FL 32250, stated the property was purchased by him in 2014, and the hardship is he and his family must walk outside to use the whole space.

A discussion ensued between Mr. Meiners and the Board regarding the footprint of the property, the existing 2.6 setback, the firewall between the 2 units, and if there were fire sprinklers in the dwelling. Mr. Meiners provided the Board members with photographs of the property. Mr. Knight stated that transforming a multifamily dwelling to a single-family dwelling is considered a change of occupancy. Therefore, if the firewall is modified or removed, the dwelling would have to remain a single-family dwelling, and if Mr. Meiners wanted to revert the dwelling back to a multifamily dwelling in the future, a fire separation would be required again.

**Public Hearing:**

The following individuals spoke in favor of the agenda item:

- David Schoen, 204 8<sup>th</sup> Avenue South, Jacksonville Beach, FL 32250
- Marcus Kampfe, 422 13<sup>th</sup> Avenue, Jacksonville Beach, FL 32250
- Wyatt Payne, 3517 Bay Island Circle, Jacksonville Beach, FL 32250
- Robert Browcock, 115 9<sup>th</sup> Avenue South, Unit 702, Jacksonville Beach, FL 3225

**Discussion:**

Mr. Reddington stated he does not see a hardship and that it is the Board's jurisdiction to vote on a hardship. Square footage of the dwelling was discussed. Mr. Buck stated the lot is undersized, which is a hardship. The Board agreed unanimously there is a hardship and that Mr. Meiners was not asking for anything over 35 percent of coverage.

**Motion:** It was moved by John Moreland and seconded by Scott Cummings, to approve BOA #18-100006 as shown and submitted.

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

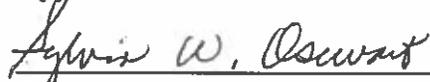
The motion was approved, unanimously.

### **Adjournment**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:10 pm.

Submitted by: Phyllis Nadeau  
Part-time Staff Assistant

Approval:

  
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Chairperson

Date: March 6, 2018