

**Minutes of Board of Adjustment Meeting
held Tuesday, April 17, 2018, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Sylvia Osewalt called the meeting to order.

ROLL CALL

Chairperson: Sylvia Osewalt
Vice-Chairman: Jeff Truhlar (*absent*)
Board Members: John Moreland, Scott Cummings
Alternates: Francis Reddington, Lucas Snyder

Also in attendance was Bill Mann, Director, Planning and Development, and Cathy Martinich, Permit Specialist.

Ex-parte Communications

No Ex-parte communications were disclosed.

Approval of Minutes

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

- March 6, 2018
- April 3, 2018

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

(A) **Case Number: BOA 18-100035**
Name of Applicant: Ryan G. Moore

Property Address: 709 South 11th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.3, for a rear yard setback of 26 feet in lieu of 30 feet required; and for 34-338(e)(1)c.2, for a side yard setback for accessory structure of 4.9 feet in lieu of 5 feet required; 34-338(e)(1)e., for 40% lot coverage in lieu of 35% maximum; to allow for a covered patio addition to an existing single-family dwelling, for property **legally described** as Lot 12, Block 108, *Oceanside Park*.

Applicant: Ryan Moore, 709 South 11th Avenue, Jacksonville Beach

Mr. Moore explained the hardship is they are not able to use the backyard because of lack of no shade. Currently, there is a deck in the backyard that they would like to extend an additional two feet. Mr. Moreland said because the lot meets the RS-3 zoning requirements, there is no hardship. Ms. Osewalt explained the requirements the Board has to follow. Mr. Mann said that they could still cover a portion of the existing deck, gaining some level of desired shade. Mr. Moreland recommended they consider taking out a portion of the driveway and use that lot coverage for the covered deck area in the rear yard.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Reddington, to approve BOA# 18-100035, as amended to approve the current lot coverage, as it currently exists, in lieu of 40% requested, together with other requested variances.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Scott Cummings, Francis Reddington, and Lucas Snyder.
The motion was approved, unanimously as modified.

(B) Case Number: BOA 18-100036

Name of Applicant: George and Janet Chrysakis

Property Address: 1038 Ruth Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e., for 60.6% lot coverage, in lieu of 35% maximum; 34-337(e)(1)g., for an accessory structure setback of 0 feet in lieu of 5 feet required; to allow for the addition of paver patio and walkways around a pool for an existing single-family dwelling, for property **legally described** as Lots 21 and 22, Block 6, *Williams Coastal Boulevard Heights*.

Applicant: Janet and George Chrysakis, 1038 Ruth Avenue, Jacksonville Beach

Mr. Chrysakis explained his hardship is an undersized lot. He said the project is finished, and they are asking for the current lot coverage of 60.6%. Mr. Chrysakis stated that the pool company pulled a permit for the pool, and told them not to worry about the pavers; they had a contractor they used. Mr. Chrysakis said he was told permitting for the pavers was not necessary, and they would be installed after the pool was completed. He said, as is their first building experience, they believed the contractor. Ms. Osewalt and Mr. Moreland asked when he received the Code Enforcement letter requiring him to stop work, and that he was in violation. Discussion continued regarding the pavers, and reduction in lot coverage, for his undersized lot.

Public Hearing:

The following individuals spoke in opposition to the request:

- Kyle Topping, 1817 Horn Street, Jacksonville Beach
- Kevin Phillips, 1066 Ruth Avenue, Jacksonville Beach

Email correspondence was reviewed from Amy Frank, 1125 Owen Avenue, Jacksonville Beach, in opposition to the request.

Mr. Chrysakis responded to the opposing comments.

Ms. Osewalt closed the public hearing.

Discussion:

Mr. Mann explained to the Board Members that if they are contemplating issuing a reduction in lot coverage, the entire paver field might need to be removed, the land reworked, as opposed to just removing pavers to meet the lot coverage granted. He said the project must be properly permitted. The City will check existing, and post-development for grading, and ensure that the drainage is adequate. Mr. Mann commented that when backwashing a pool, the hose leads out to the street, and not drain into the backyard.

Motion: It was moved by Mr. Cummings and seconded by Mr. Moreland, to approve BOA# 18-100036, for 45% lot coverage for the addition of a paver patio.

Roll Call Vote: Ayes - Sylvia Osewalt, Scott Cummings, and John Moreland.
Nays - Francis Reddington, and Lucas Snyder.
The motion carried 3 to 2.

(C) **Case Number: BOA 18-100037**

Name of Applicant: Candice Treuel-Stidham

Property Address: 3081 St. Johns Boulevard

City of Jacksonville Beach Land Development Code Section(s) 34-337 (e)(1)e., for 52.8% lot coverage, in lieu of 35% maximum; to allow for a pool and patio addition to an existing single-family dwelling, for property **legally described** as Lot 1, Block 13, *Jacksonville Beach Heights*.

Applicant: Candice Treuel-Stidham, and Chad Stidham, 3081 St. Johns Boulevard, Jacksonville Beach FL

Mr. and Mrs. Stidham said their hardship is that their lot is nonconforming, and there is not much room for the children to play and be out by the pool. They explained SurfSide Pools has pulled a permit for the pool, and it has just been dug. They wanted to receive the variance approval before installing the paver patio. The plans show the only location to place furniture and have a play area on the paver deck. Ms. Osewalt explained that 49.9% lot coverage is the most the Board would approve. Mr. Stidham said if that were the most they would be allowed, they would gladly work with that percentage.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 18-100037, as amended, for 49.9% lot coverage, in lieu of 35% maximum, and in lieu of the 52.8% requested, to allow for a patio addition to a single-family home.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Lucas Snyder, John Moreland, and Sylvia Osewalt.
The motion was approved unanimously.

(D) Case Number: BOA 18-100040

Name of Applicant: Laura and Steve Guillaume

Property Address: 3002 South Ocean Drive, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1, for a front yard setback of 23.9 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for a side yard setback for 7 feet in lieu of 10 feet each as required; 34-336(e)(1)c.3, for a rear yard setback of 22 feet in lieu of 30 feet required; 34-336(e)(1)e., for a lot coverage of 71.1% in lieu of 35% maximum; to allow for construction of a new single-family dwelling for **legally described** as Lot 1, Block 11, *Atlantic Shores Ocean Front Section–Division “B”*.

Agent: Mark Macco, 3535 South 1st Street, Jacksonville Beach

Mr. Macco began by presenting new drawings that are an up-dated footprint, and more conservative design. The hardship is that it is a nonconforming, oceanfront lot. He described the plan for the dwelling, and parking, explaining that adjacent structures are similar in size and design. There is an existing structure on the lot, which will be torn down, and a new home will be built. The biggest request is for the rear yard setback and felt the 71.1% lot coverage calculation was generous by the Planning Department. Therefore, a lot coverage concession is possible. Mr. Mann explained that the new site plan submitted shows a sidewalk in the northerly side yard, which would require a variance, and may not be considered tonight, as formal notice for that specific variance had not been given. Questions were asked, and discussion continued regarding the FDEP (Florida Department of Environmental Protection), and Mr. Mann discussed some of the FDEP requirements and whatever is the most restrictive rear yard setback. Mr. Macco commented that the new footprint will be the same that the existing structure is now.

Public Hearing:

The following individuals spoke in opposition to the request:

- Debi Cunningham, 3001 South 1st Street, Jacksonville Beach
- Robert A. Grovenstein, 3007 South Ocean Drive, Jacksonville Beach

The following individuals spoke in support of the request:

- Lyn Wallace, 3002 South Ocean Drive, Jacksonville Beach

A letter was reviewed from Mary Alexander, 15 South 30th Avenue, Jacksonville Beach stating their support of the request. [On file]

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Snyder, that BOA# 18-100040, be approved, as amended for lot coverage of 61.1%, in lieu of the 71.1% requested, and the 40% approved via a prior variance, together with the other requested variances, to allow for the construction of a single-family dwelling.

Roll Call Vote: Ayes – Lucas Snyder, John Moreland.
Nays - Francis Reddington, Sylvia Osewalt, and Scott Cummings
The motion was denied with a 2 to 3 vote.

(E) Case Number: BOA 18-100043

Name of Applicant: Roy Viteri

Property Address: 1916 North 1st Street

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)(e), for lot coverage of 56.9% in lieu of 35% maximum; 34-373(d), for a parking area setback of 0 feet in lieu of 5 feet required; to allow for a driveway addition to an existing single-family dwelling, for property **legally described** as The South 27.00 feet of the East 85.00 feet of Lot 3, together with the North 29.00 feet of the East 85.00 feet of Lot 4, Block 192, *Ocean Villa*.

Agent: Frank Marrero, 181 Portsmouth Way, Ponte Vedra Beach, FL 32082

Mr. Marrero stated the hardship is the lot size, and when asked if the requested lot coverage is the best, he can use to achieve his goal, he replied yes. He said the existing driveway is stone and he would like to replace the stone with pavers, to the existing patio on the north side of the house, extending it to the property line. He stated the property is a vacation rental, [MDM Vacation Rentals.] Discussion ensued about the current hardscape and lot coverage, which was stated at approximately 50%, for the patio and decking.

Public Hearing:

The following people sent email messages in opposition of the request: [On file]

- Sheri Ferline, 1809 North 1st Street #302, Jacksonville Beach
- Lyle Reimann, 91 North 19th Avenue, Jacksonville Beach

The following person sent a letter in opposition of the request: [On file]

- Maureen and William Modrak, 1809 North 1st Street, Jacksonville Beach

Mr. Marrero responded to the opposing comments.

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Moreland and seconded by Mr. Cummings, that BOA# 18-100043, be disapproved, finding that the request was not the minimum necessary to make reasonable use of the property.

Roll Call Vote: Ayes – Lucas Snyder, John Moreland, Sylvia Osewalt, Scott Cummings, and Francis Reddington
The motion was denied.

(F) Case Number: BOA 18-100045

Name of Applicant: William and Ann Pinner

Property Address: 1902 South 1st Street, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-340(e)(2)c.1, for a front yard setback of 9.9 feet in lieu of 20 feet required; and 34-340 (e)(2)f., for lot coverage of 42.5% in lieu of 35% maximum; to allow for improvements to an existing single-family dwelling, and an addition of a detached garage for property **legally described** as Lot 1, North ½ Lot 2, Block AA, *Permenters Replat of South Pablo Beach*.

Applicant: William and Ann Pinner, 1902 South 1st Street, Jacksonville Beach

Mr. Pinner said the house was built in 1906 and has settled. To shim up the structure, and correct the stairway, they would have to relocate the stairway to the outside of the house, which would add a small increase in the floor area, along the south side of the house. Mr. Mann said that the addition of a garage would eliminate an existing nonconforming element of the property, per RS-3 standards, a one-car garage or carport is required for the property. Mr. Pinner said they would be removing an 8 x 10 shed and a portion of the deck. Discussion continued about parking.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Reddington, seconded by Mr. Cummings, that BOA# 18-100045 be approved, as presented.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Scott Cummings, Francis Reddington, and Lucas Snyder.
The motion was approved, unanimously.

(G) Case Number: BOA 18-100046

Name of Applicant: Raymond Kletzing

Agent: Christopher White, Esq.

Property Address: 7 South 2nd Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.1, for a front yard setback of 1 foot in lieu of 20 feet required; 34-338(e)(1)c.2, for a side yard setback of 2.6 feet in lieu of 5 feet required; and a corner side yard of 0.75 feet in lieu of 10 feet required, for a total side yard setback of 3.3 feet in lieu of 15 feet required; and 34-338(e)(1)(e), for 63% lot coverage in lieu of 35% maximum to allow construction of a new single-family dwelling for property **legally described** as the South one-third (1/3) of the East one-half (1/2) of Lot 4, Block 11, *Pablo Beach South*.

Agent: Christopher White, Esq., 3520 Bay Island Circle, Jacksonville Beach

Mr. White explained the lot is 21 feet by 125 feet; a lot has been in existence since 1890's and the current structure, a duplex, was built in 1909, on a nonconforming lot. Mr. Kletzing applied for conditional use, which was granted, to place a single-family dwelling in the C1 zoning district, on the lot. He is proposing to stay within the existing structure footprint and replace it with a new dwelling. A discussion ensued regarding the property, and its location to the surrounding condominiums, and parking. Mr. White said the application process for the FDEP (Florida Department of Environmental Protection) would be submitted. Mr. Mann said the property is surrounded on the west side and north side by the adjacent condominiums. With the new use, the applicant is providing on-site parking.

Public Hearing:

- Patrick Early, *Waters Edge* Condominium's HOA President, 123 South 1st Street, #701, Jacksonville Beach, spoke in opposition to the request.

Mr. White responded to the opposing comments.

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Reddington, seconded by Mr. Snyder, that BOA# 18-100046 be approved, as written.

Roll Call Vote: Ayes – Sylvia Osewalt, Scott Cummings, Francis Reddington, Lucas Snyder, and John Moreland.
The motion was approved, unanimously.

(H) Case Number: BOA 18-100047
Name of Applicant: John Morrissey

Property Address: 815 North 2nd Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)d., for no garage or carport; 34-337(e)(1)e., for lot coverage of 37.8% in lieu of 35% maximum; 34-337(f.), for a gravel parking area in lieu of paved.

Or

Sec. 34-337(e)(1)d., for no garage or carport; 34-337(e)(1)e., for lot coverage of 39.2%, in lieu of 35% maximum, to allow for the construction of a new single-family dwelling for property **legally described** as the East 50ft of Lot 6, Block 39, *Pablo Beach North*.

Applicant: John Morrissey, 4913 Suarez Bluff Road, Fernandina Beach, FL 32034

Mr. Morrissey said the lot is a nonconforming lot, at only 50 feet wide, and that the RS-2 zoning lot with the requirement is 75 feet. His plan for the dwelling does not include a garage or carport because he feels that by placing it in front would be obtrusive to the neighborhood, and other houses in the neighborhood exist without garages or carports. Ms. Osewalt asked if he had considered a carport. Mr. Morrissey said adding a carport would not be acceptable for the house he wants to build. Discussion continued about the garage and carport.

Public Hearing:

The following individuals spoke in support of the request:

- Joseph Rock, 627 North 11th Street, Jacksonville Beach, FL
- Christopher Zambelli, 422 North 4th Avenue, Jacksonville Beach, FL
- Agnes Morrissey, 4913 Suarez Bluff Road, Fernandina Beach, FL
- Philip Gregory, 1215 North 14th Avenue, Jacksonville Beach, FL

Signed petition in support of the request: [On file]

- Robert Schoenberg, 815 North 2nd Avenue, Jacksonville Beach, FL
- Chad Barrett, 902 North 2nd Avenue, Jacksonville Beach, FL
- Rob Monkomer, 917 North 2nd Avenue, Jacksonville Beach, FL
- Christle Fenke, 305 North 9th Street, Jacksonville Beach, FL
- Roy Pappe, 802 North 2nd Avenue, Jacksonville Beach, FL
- Deborah L. Tompkins, 805 North 2nd Avenue, Jacksonville Beach, FL
- Laura Baker, 801 North 2nd Avenue, Jacksonville Beach, FL

Ms. Osewalt closed the public hearing.

Motion: It was moved by Mr. Cummings and seconded by Mr. Moreland, to deny BOA #18-100047 as written.

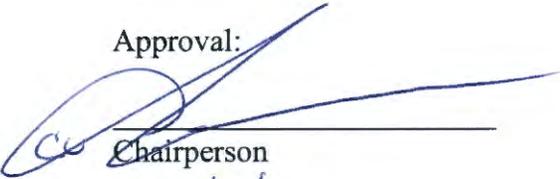
Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, John Moreland, and Sylvia Osewalt.
Nays - Lucas Snyder
The motion was denied with a 4 to 1 vote.

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 9:10 P.M.

Submitted by: Cathy Martinich
Permit Specialist

Approval:



Chairperson

5/1/18

Date