

**Minutes of Board of Adjustment Meeting
held Tuesday, August 21, 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

Chairperson: Sylvia Osewalt
Vice-Chairwoman: Jeff Truhlar
Board Members: Scott Cummings Francis Reddington
Alternates: Lucas Snyder

EX-PARTE COMMUNICATIONS: *None*

APPROVAL OF MINUTES: *None*

CORRESPONDENCE:

A letter [*on file*] was received from Mike Riley regarding BOA# 18-100152.

OLD BUSINESS: *None*

NEW BUSINESS:

(A) Case Number: BOA 18-100131

Applicant/Owner: Atkins Builders, Inc.
Agent: John Atkins
Property Address: 1100 South 4th Street

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(2)c.2, for a southerly side yard setback of 7.5 feet, and a northerly side yard setback of 5 feet for the south units, and a southerly side yard setback of 5 feet, and a northerly corner side yard setback of 7.5 feet for the north units, all in lieu of 10 feet required; 34-338(e)(2)c.3 for a rear yard setback of 20 feet in lieu of 30 feet required; 34-338(e)(2)f., for 39.5% lot coverage in lieu of 35% maximum; 34-373(f) for a gravel drive, in lieu of paved; to allow construction of two new two-family dwellings for property legally described as *Lots 1, 2, Block 115, Oceanside Park*.

Applicant: John Atkins, 76 North 2nd Street, Jacksonville Beach, stated the width of his property does not correspond to the RS-3 zoning requirements, and therefore his lot is undersized and non-conforming. He identifies this as his hardship, and explained the request for increase in lot coverage

is for a two-car garage and driveway. Mr. Atkins also added this variance has been requested before the board five times for different properties, and it has been approved.

Conversation ensued regarding clarification of the request. Ms. Osewalt deduced the lot coverage's length is oversized, but undersized in width, and the requested variance does not discuss the area Mr. Atkins identified as a hardship; the 50 foot width is the identified hardship, but the agent wants to alter the 125 foot length of the lot. When a single-car garage was proposed, Mr. Atkins stated the neighbors objected to it.

Public Hearing:

The following Jacksonville Beach resident was uncertain of the request:

- Donni Welch-Rawls, 403 South 12th Avenue, Jacksonville Beach

The following Jacksonville Beach residents spoke in favor of the request:

- Carol Nogid, 442 South 11th Avenue, Jacksonville Beach
- Jerry Williamson, 3804 Duval Drive, Jacksonville Beach

The following Jacksonville Beach residents spoke in opposition of the request:

- John Sorrell, 1410 Pinewood Rd., Jacksonville Beach

Mr. Atkins responded to the opposers' disapproving comments on the type of the discussed lot and clarified it is permitted by the land development code and does not relate to the proposed variance.

Ms. Osewalt closed the public hearing.

Discussion:

Mr. Cummings commented he is not fond of the gravel driveway.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Cummings, to deny BOA# 18-100131, as presented and discussed.

Roll Call Vote: Ayes –Scott Cummings, Francis Reddington, Sylvia Osewalt
Nays –Jeff Truhlar, Lucas Snyder.

The motion was approved by a vote of 3-2.

(B) Case Number: BOA 18-100132 (mistakenly referred to as BOA 18-100134 on Agenda)

Applicant/Owner: Alexander and Tatiana Wank

Property Address: 728 North 7th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)c.1, for a front yard setback of 10 feet, in lieu of 20 feet required; and 34-337(e)(1)c.2, for a side yard setback of 2.3 feet, in lieu of 7.5 feet required; and 34-377 for 1 parking space in lieu of 2 required; to enclose an existing carport to convert to a garage, for property legally described as *Lot 5, Block 78, Pablo Beach Improvement Company's Plat of Part Norther Portion of Pablo Beach*.

Applicant: Alexander Wank, 728 North 7th Avenue, Jacksonville Beach, explained that the lot is narrow in comparison to the other surrounding lots. When he purchased the property, the carport was already in existence and built very close to his westward neighbor, and that was not discussed in the previous variance this property was granted in 1994. The variance Mr. Wank is requesting would allow him to close the carport and construct a garage.

The Board discussed garage size and followed with a question on whether Mr. Wank informed his neighbors, in which he responded that he did. He also referred to a letter from the neighbor residing in 776 Duval Drive. Ms. Osewalt questioned the necessity of the 2.3 foot side yard setback and was told by the owner that he did not want to build anything that was not initially under his roof; and he also added that he wants a door in the southeast corner of the garage, another that would open to the yard, and the main one (garage door) facing the street.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Discussion:

A discussion ensued regarding the lot's previous variance and its relation to the one currently being requested.

Motion: It was moved by Mr. Cummings, and seconded by Mr. Snyder, to approve BOA# 18-100132, as submitted and discussed.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Sylvia Osewalt, Jeff Truhlar, and Lucas Snyder.

The motion was approved unanimously.

(C) Case Number: BOA 18-100133

Applicant/Owner: Ben and Stacey Chrisman

Property Address: 115 South 1st Street

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(l)c.1, for a front yard setback of 1.5 feet, in lieu of 20 feet required; and 34-338(e)(l)c.2, for a southerly side yard setback of 2.5 feet, in lieu of 5 feet minimum, and total side yards of 10.8 feet, in lieu of 15 feet required; and 34-338(e)(l)c.3, for a rear yard setback of 1 foot, in lieu of 30 feet required; 34-338(e)(l)e., for 90.8% lot coverage, in lieu of 35% maximum, to allow for re-construction of an existing single family dwelling for property legally described as *the south ½ of Lot 2 (except the easterly 88 feet), Block 11, Pablo Beach.*

Applicants: Ben and Stacey Chrisman, 115 South 1st Street, Jacksonville Beach, stated they want to alter their property as discussed in the variance. Ms. Sylvia explained their request exceeds the limits in comparison to typical variance requests, to which Mr. Knight responded by saying in the

Central Business District specifically, a 90% lot coverage is allowed. Mr. Chrisman discussed the options he considered in regards to how he can alter the property and added that he wants to turn it into a two-story construction, with respect to the 35 foot height restriction.

Mrs. Chrisman stated they want to add a two-car garage to the new construction. Mr. Knight explained this additional request also meets the minimum requirements.

Public Hearing:

No one came forward to speak about this case.

Ms. Osewalt closed the public hearing.

Discussion:

Mr. Cummings stated he was surprised no one lives in the next-door condo.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Cummings, to approve Case Number BOA# 18-100133, as submitted and discussed.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Sylvia Osewalt, Jeff Truhlar, and Lucas Snyder.

The motion was approved unanimously.

(D) Case Number: BOA 18-100135

Applicant/Owner: Levi Frost
Property Address: 1630 Tanglewood Road

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e., for 36.2% lot coverage, in lieu of 35% maximum; to add a shed to an existing single-family dwelling, for property legally described as *Lot 16, Block 13, Ocean Forest Unit 3*.

Applicant: Levi Frost, 1630 Tanglewood Road, Jacksonville Beach, explained his hardship is the narrowing size of the property as the backside is reached, which makes it undersized as a whole. Ms. Osewalt clarified that his hardship is a non-conforming lot. Mr. Frost explained he wanted to add a shed for storage, which will change the lot's coverage from being under to becoming over the required maximum.

Public Hearing:

No one came forward to speak about this case.

Ms. Osewalt closed the public hearing.

Discussion:

A discussion ensued concerning the types of businesses in the area, congestion, parking, flooding, and maintenance.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Cummings, to approve BOA# 18-100135, as submitted and discussed.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Sylvia Osewalt, Jeff Truhlar, and Lucas Snyder.

The motion was approved unanimously.

(E) Case Number: BOA 18-100140

Applicant: Coastal Oaks Construction
Owner: Julia Russell
Property Address: 438 Lower 8th Avenue South

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(l)e., for 39% lot coverage, in lieu of 35% maximum; for a new single-family dwelling, for property legally described as *Lot 6, Block 4, Oceanside Park*.

Applicants: Gregory Barnett, 1280 Plantation Oaks Dr., Jacksonville Beach, and Ryan Paulo, 157 Bear Pen Rd., Ponte Vedra Beach, identified themselves as the case's agents. Mr. Barnett stated that their hardship is a nonconforming lot. Mr. Knight asked for a clarification on whether the request is for a single family dwelling only, or if a pool is to be included. Mr. Barnett answered they will not include a pool for the time being, and it was explained to him by the Board that another variance would be needed for such addition. Mr. Barnett added they are building a 32 foot-wide house in a 50 foot lot.

Public Hearing:
No one came forward to speak about this case.

Ms. Osewalt closed the public hearing.

Discussion:
The Board agreed this request is reasonable.

Motion: It was moved by Mr. Truhlar, and seconded by Mr. Snyder, to approve BOA# 18-100140, as submitted and discussed.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Sylvia Osewalt, Jeff Truhlar, and Lucas Snyder.

The motion was approved unanimously.

(F) Case Number: BOA 18-100152

Applicant: Coastal Construction Company, LLC
Owner: Renee Bourgeois
Agent: Peter W. Schwab
Property Address: 4045 Palm Way

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.2, for a northerly side yard setback of 5 feet, in lieu of 10 feet required; for a new single-family dwelling, for property legally described as *Lot 18, Block 11, Ocean Terrace*.

Applicant: Peter Schwab, 404 North Harbor Lights Drive, Ponte Vedra Beach, asked the Board to change the variance that was previously granted for Lot 18, because it was accidentally built using the wrong setback information and is therefore considered nonconforming. He is asking for forgiveness from the Board.

Public Hearing:

A letter [*on file*] from Mike Riley, 4033 Palm Way, was read regarding the requested variance, and Mr. Riley was also present at the meeting to express his concerns.

Mr. Schwab reaffirmed to the Board that the house is built exactly in compliance to the previous variance's requirements, but he made the error of shifting the property and thereby affecting the setbacks.

Ms. Osewalt closed the public hearing.

Discussion:

A discussion ensued amongst Board members, including Mr. Knight, regarding the resultant property alteration if this variance is to be granted.

Motion: It was moved by Mr. Truhlar, and seconded by Mr. Cummings, to approve BOA# 18-100152, as submitted and discussed.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Sylvia Osewalt, Jeff Truhlar, and Lucas Snyder.

The motion was approved unanimously.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is on Wednesday, September 5, 2018. There are four (4) scheduled cases.

ADJOURNMENT

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:30 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:

Chairman

10/2/18

Date