

**Minutes of Board of Adjustment Meeting  
held Tuesday, September 18, 2018 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**CALL TO ORDER**

Vice-Chairperson Jeff Truhlar called the meeting to order. Prior to Roll Call, Gary Cater was sworn in by Mr. Truhlar as a second alternate for the Board of Adjustments.

**ROLL CALL**

*Chairperson:* Sylvia Osewalt (*Absent*)  
*Vice-Chairperson:* Jeff Truhlar  
*Board Members:* Scott Cummings                      Francis Reddington                      John Moreland (*Absent*)  
*Alternates:* Lucas Snyder                      Gary Cater

George Knight, Building Official, was also present.

**EX-PARTE COMMUNICATIONS:** *None*

**APPROVAL OF MINUTES:** *None*

**CORRESPONDENCE:** *None*

**OLD BUSINESS:** *None*

**NEW BUSINESS:**

**(A) Case Number: BOA 18-100154**

**Applicant/Owner:** David Stellato  
**Property Address:** 15 Fairway Road

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.2, for a side yard setback of 6.1 feet, in lieu of 10 feet required; to allow a garage addition to a single-family dwelling for property legally described as Lot 20, *Mission Hills Unit No. 2*.

**Applicant:** David Stellato, 15 Fairway Road, Jacksonville Beach, explained he is trying to enlarge his garage on the side of his house, instead of the back, and recalled previous variances granted to his neighboring properties to support his request. He also stated he spoke with his neighbors. Mr. Cummings explained that a land hardship must be present for variances to be issued, and Mr. Stellato does not have one.

**Public Hearing:**

No one came forward to speak about the case.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Reddington reiterated the lack of a hardship in this case, and the Board agreed.

**Motion:**

It was moved by Mr. Reddington, and seconded by Mr. Snyder, to deny BOA# 18-100154, as presented and discussed.

**Roll Call Vote:**

Ayes – Cummings, Reddington, Cater, Truhlar, and Snyder.  
The motion to deny was approved unanimously.

**(B) Case Number: BOA 18-100155**

**Applicant/Owner:** Mary and Tom Weiss

**Property Address:** 202 South 21<sup>st</sup> Avenue (aka 2102 South 2<sup>nd</sup> Street)

**City of Jacksonville Beach Land Development Code Section(s)** 34-338(e)(1)c.3, for a rear yard setback of 12 feet, in lieu of 30 feet required; for an existing un-permitted covered patio, and 34-338(e)(1)g., for an accessory structure setback of 2 feet in lieu of 5 feet required; for expanding an existing un-permitted patio and 34-338(e)(1)e., for 65% lot coverage, in lieu of previously approved 50% lot coverage, for a patio addition to an existing single-family dwelling for property legally described as Lot 1, Block Q, *Permenters Replat of Atlantic Camp Grounds*.

**Applicant:** Mary and Tom Weiss, 202 South 21<sup>st</sup> Avenue, Jacksonville Beach, stated they have a significantly small lot respective to the size of their house, and they are looking to build a patio. The Board asked how a 2015 home already has an unpermitted patio, and Mrs. Weiss explained the patio was an already-existing structure when the property was purchased. Mr. Weiss stated the lots around them were almost 100% lot coverage. Mr. Truhlar stated that other lots fall under different ordinances for lot coverage because they are multi-family constructions. Discussion ensued between the owners and the Board regarding property changes if the variance is granted.

**Public Hearing:**

No one came forward to speak about the case.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Reddington stated this Board has never approved a 65% lot coverage.

**Motion:**

It was moved by Mr. Snyder, and seconded by Mr. Cummings, to deny BOA# 18-100155, as submitted and discussed.

**Roll Call Vote:**

Ayes –Cummings, Reddington, Cater, Truhlar, and Snyder.  
The motion to deny was approved unanimously.

**(C) Case Number: BOA 18-100156**

**Applicant/Owner:** Donald R. Gibson, Jr.

**Property Address:** 115 North 9<sup>th</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-338(e)(1)c.2, for a corner side yard setback of 6.9 feet, in lieu of 10.6 feet required and 34-338(e)(1)c.3; for a rear yard setback of 6 feet, in lieu of 30 feet required; and 34-338(e)(1)e., for 46.6% lot coverage; to enlarge and attach an existing garage to an existing single-family dwelling for property legally described as Lot 1, Block 102, *Pablo Beach North*.

**Applicants:** Donald and Linda R. Gibson, Jr., 115 North 9<sup>th</sup> Avenue, Jacksonville Beach, wanted to enlarge their separated, accessory garage beyond 625 square feet and attach it to their home, which was built in 2014. Before their purchasing of the home, there was an attached garage that was enclosed by a previous owner. Mr. and Mrs. Gibson discussed their ability to remove the pavers to reduce their already-oversized lot coverage, which was allowed by a previous variance, to create accommodation for this new one.

Mr. Cummings and Mr. Knight talked about garage code rules, where Mr. Knight helped explain if the property's breezeway is not to be covered to satisfy the variance request, then the accessory must remain as is, with the restriction that its size cannot expand beyond 626 square feet. Mr. Reddington stated if the owners remove the pavers, then a variance wouldn't be needed, to which Mr. Cummings added that while that is correct, a rear yard setback is still needed.

**Public Hearing:**

The following Jacksonville Beach resident expressed concerns regarding this case:

- Scott Jones, 1018 1<sup>st</sup> Street North, Jacksonville Beach

Mr. Truhlar closed the public hearing.

**Discussion:**

Discussion ensued among the Board on which provisions of the variance can be altered in this case. Mr. Cummings expressed concerns regarding variance request trends by Jacksonville Beach residents for smaller side yards due to enlarged constructions, and he added it is difficult to grant this variance when no clear hardship is presented.

**Motion:** It was moved by Mr. Snyder, and seconded by Mr. Reddington, to approve BOA# 18-100156, as written and discussed.

Discussion ensued on amending the motion.

**Amended Motion:** It was moved by Mr. Cummings and seconded by Mr. Snyder to approve BOA #18-100156 to have a 45% lot coverage in lieu of 35% as written, Discussed and reviewed.

**Roll Call Vote on Amended Motion:** Ayes – Truhlar, Reddington, Snyder and Cater  
Nays – Cummings

Amended motion was approved by a vote of 4-1.

**Roll Call Vote on Original Motion:** Ayes –Reddington, Snyder, and Cater  
Nays – Cummings and Truhlar  
The motion was approved by a vote of 3-2.

**PLANNING DEPARTMENT REPORT**

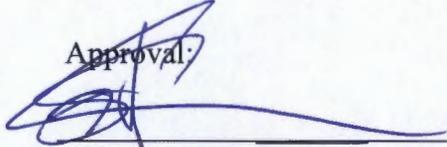
The next scheduled meeting is on Tuesday, October 2, 2018. There are four (4) scheduled cases.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 7:42 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
Chairman

10/2/18  
Date