

**Minutes of Board of Adjustment Meeting
held Tuesday, October 2nd, 2018 at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Scott Cummings called the meeting to order. Prior to Roll Call, Mr. Cummings explained there are only four Board members present, and any cases that result in a tie would not be approved. The applicants were given the opportunity to postpone the hearing of their case until the next meeting.

ROLL CALL

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

Director of Planning and Development Bill Mann was also present.

EX-PARTE COMMUNICATIONS: *None*

APPROVAL OF MINUTES:

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

- June 5th, 2018
- August 21st, 2018
- September 5th, 2018
- September 18th, 2018

CORRESPONDENCE: *None*

OLD BUSINESS: *None*

NEW BUSINESS:

(A) Case Number: BOA 18-100162

Applicant/Owner: Taylor and Sara Thompson
Agent: Randy McKnight
Property Address: 3218 Horn Court

City of Jacksonville Beach Land Development Code Section(s) 34-377(e)(1)e., for 44% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property located at 3218 Horn Court, legally described as Lot 10, Block 13, Jacksonville Beach Heights.

Agent: Randy McKnight, 4987 Christina Lane South, Jacksonville, FL, explained that his hardship is a 6000 square foot substandard lot, and he would like to increase the lot coverage to 44% to match the size of the neighborhood's homes. Mr. Cummings stated he is familiar with the community.

Public Hearing:

No one came forward to speak about the case.
Mr. Cummings closed the public hearing.

Discussion:

Mr. Reddington stated the discussed lot is undersized, and Mr. Cummings agreed.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Moreland, to approve BOA# 18-100162, as written and read.

Roll Call Vote: Ayes – Scott Cummings, John Moreland, Francis Reddington, and Gary Cater.

The motion was approved unanimously.

(B) Case Number: BOA 18-100163

Applicant/Owner: Stefan Kirshenbaum
Property Address: 125 South 3rd Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-340 (e)(1)c.2, for a westerly side yard setback of 4 feet, in lieu of 10 feet required; and 34-340 (e)(1)f., for 49.6% lot coverage, in lieu of 35% maximum; to allow for an addition to an existing two-family dwelling for **property located** at 125 South 3rd Avenue, **legally described** as the westerly 40 feet of the southerly 80 feet, of Lot 7, Block 22, *Pablo Beach South*.

Applicant: Stefan Kirshenbaum, Smyrna, Georgia, explained it is hard for his disabled wife to use the stairs and other home features in order to perform daily functions. Mr. Mann helped clarify Mr. Kirshenbaum's explanation and stated he has an exceptionally substandard lot that is only about half the square footage a standard lot would be, and that is a type of hardship. The applicant is requesting a small second story addition for a laundry room and a bathtub. He has spoken to his next-door neighbor on the eastern side of his property regarding this request.

Mr. Mann commented this is the only unit amongst the four-unit project with a side yard lacking a variance request. Mr. Kirshenbaum reiterated he is requesting for 105 square feet addition on the second floor, only.

Public Hearing:

The following Jacksonville Beach residents were in favor of the agenda item, but did not wish to speak:

- Todd and Jennifer Kirshenbaum, 1378 Eastwind Drive, Jacksonville Beach

Mr. Cummings closed the public hearing.

Discussion:

The Board agreed the lot is substandard. Mr. Moreland stated that if the other three lots in the parcel were granted this variance, then this request sounds reasonable, and Mr. Cummings agreed.

Motion: It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve BOA# 18-100163, as submitted and discussed.

Roll Call Vote: Ayes – John Moreland, Francis Reddington, Scott Cummings, and Gary Cater.

The motion was approved unanimously.

(C) Case Number: BOA 18-100164

Applicant/Owner: Julie Scott
Agent: Gary Carley
Property Address: 1030 North 24th Street

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e., for 37.3% lot coverage, in lieu of 35% maximum; to allow for a room addition to an existing single-family dwelling, for **property located** at 1030 North 24th Street, **legally described** as Lot 4, and the North ½ of Lot 5, Block 33, *Section "A" Jacksonville Beach*.

Applicant: Agent Gary Carley, 1129 Sebago Ave South, Atlantic Beach, and Julie Scott, 1030 North 24th Street, Jacksonville Beach, stated that while the 15,750 square foot lot itself conforms to the RS-2 zoning code, the 35% coverage maximum limit would not allow for a room addition for their family or for the beautification of the property's front. Mr. Carley stated the hardship is the 35% lot coverage restriction, as no other municipality in Northeast Florida has that restriction. Mr. Cummings explained on the flip side, that there are many other undersized lots that still abide by Code, and Code says that a land hardship needs to be present for a variance to be approved.

Discussion ensued between Board members and the owner regarding any alterations that can be made to the property and that would possibly not need a variance. Ms. Scott stated she spoke with her neighbors to the right, left, and across from her, and they were in favor of her request.

Public Hearing:

No one came forward to speak about the case.
Mr. Cummings closed the public hearing.

Discussion:

The Board agreed there are other ways the owner can maintain a conforming lot with the room addition Mr. Carley requested for in the variance.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Moreland, to deny BOA# 18-100164, as submitted and discussed.

Roll Call Vote: Ayes – Francis Reddington, Scott Cummings, John Moreland, and Gary Cater.

The motion to deny was approved unanimously.

(D) Case Number: BOA 18-100165

Applicant/Owner: Jeffrey Toler
Property Address: 1025 Owen Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)c.3, for a rear yard setback of 23 feet, in lieu of 30 feet required; and 34-337(e)(1)e., for 48% lot coverage, in lieu of 35% maximum; to allow a room addition to an existing single-family dwelling, for **property located** at 1025 Owen Avenue, **legally described** as Lots 8 and 9, Block 6, *Williams Coastal Boulevard Heights*.

Applicant: Jeffrey Toler, 1025 Owen Avenue, Jacksonville Beach, stated he has a 5,750 square foot substandard lot, and he requested for a 14x20 room addition to accommodate his expanding family.

Public Hearing:

No one came forward to speak about the case.
Mr. Cummings closed the public hearing.

Discussion:

Mr. Reddington stated the applicant has adequately provided a hardship.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Moreland, to approve BOA# 18-100165, as submitted and discussed.

Roll Call Vote: Ayes – Scott Cummings, John Moreland, Francis Reddington, and Gary Cater.

The motion was approved unanimously.

(E) Case Number: BOA 18-100159

Applicant/Owner: Alex Sifakis

Appeal of the Planning and Development Director's Interpretation of Land Development Code Section(s) 34-373(d), 34-393(c), and 34-339(e)(4)(h), as it applies generally to properties located in the city, and as it applies to the proposed development of residential townhomes on the **properties located** at 1010 North 2nd Avenue, 314 and 322 North 12th Avenue, and 0 North 4th Avenue.

Applicant: Alex Sifakis, 340 8th Street, Atlantic Beach, is appealing the City of Jacksonville Beach ruling on interior lot lines on townhomes. He referred to statements by Mr. Loretta and townhomes' lot criteria to support his case [on file]. He is concerned with interpretation of sections 34-373(d),

34-393(c), and 34-339(e)(4)(h) of Land Development Code, which he has previously discussed with the City's Planning Commission, and remarked that in 2016, there was a change of interpretation by the current Board.

Public Hearing:

The following Jacksonville Beach residents spoke in opposition to the agenda item:

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, asked the Board to follow facts stated by City ordinances.
- Mary Phillips, 934 North 10th Street, Jacksonville Beach, stated that parking and drainage are two major issues facing Jacksonville Beach today, and the Board should do its best to eliminate any stressors to this issue. She identified JWB Real Estate; BCEL 5, LLC; BCEL 7, LLC; BCEL 9, LLC; and BCEL 10, LLC as currently holding 34 properties in the 32250 zip code and using them to provide passive income for investors. She urged the Board to deny the appeal.
- Tony Komarek, 533 South 11th Avenue, Jacksonville Beach, stated he was personally impacted by the projects and provided a printout of the outcomes of previous variance requests involving Mr. Sifakis [on file]. He spoke about Code interpretation issues relating to interior line setbacks and parking and referred to Mr. Loretta's money donations as likely influencers.

Mr. Sifakis explained his reasoning behind his appeal of the Land Development Code to the residents.

Discussion:

Mr. Mann gave the Board members a copy of the May 22nd, 2018 Board of Adjustment letter sent to Mr. Sifakis, and explained that Mr. Sifakis has attempted to appeal the same interpretation of the Land Development Code before the Board in the past (BOA# 18-100081). The letter states that his request has been denied. Mr. Mann later followed with explanations of Land Development Code facts and added there is ongoing litigation in regards to this interpretation issue.

Mr. Moreland stated he changed his mind in 2016 regarding the Land Development Code interpretation because it created garage problems. Mr. Cummings agreed with Mr. Moreland and added it was not a sudden change, but a timely one in observation of the changes in the city in the previous years.

Motion: It was moved by Mr. Reddington, and seconded by Mr. Moreland, to deny BOA# 18-100159, as written and discussed.

Roll Call Vote: Ayes – John Moreland, Francis Reddington, Gary Cater, and Scott Cummings.

The motion to deny was approved unanimously.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is **Tuesday, October 16, 2018**. There is one (1) scheduled case.

ADJOURNMENT

There being no further business coming before the Board, Mr. Cummings adjourned the meeting at 8:00 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:

Sylvia Oswat
Chairman

11/7/18
Date