

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



**CALL TO ORDER**

Chairperson Sylvia Osewalt called the meeting to order and stated since there are only four Board members present, there would be a quorum. For that reason, cases can be postponed until the next meeting for those that wish to.

**ROLL CALL**

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

Building Official George Knight was also present.

**EX-PARTE COMMUNICATION: None**

**APPROVAL OF MINUTES:**

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

- November 7<sup>th</sup>, 2018

**CORRESPONDENCE: None**

**OLD BUSINESS: None**

**NEW BUSINESS:**

**(A) Case Number: BOA 18-100128**

**Applicant/Owner:** Kent and Vera D'Angelo  
**Agent:** Todd Holloway  
**Property Address:** 3162 Isabella Boulevard

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e., for 50.2% lot coverage, in lieu of 35% maximum; and 34-337(e)(1)g., for an accessory structure setback of 4 feet, in lieu of 5 feet required along the rear property line; to allow for a pool and paver patio addition to an existing single-family dwelling for property legally described as Lot 2, Block 28, *Jacksonville Beach Heights*.

**Agent:** Todd Holloway, 13826 Weeping Willow Way, Jacksonville, stated the lot is small and non-conforming; and he explained the pool addition is to be set 16 feet from the house, which would increase the lot coverage to approximately 50%. Ms. Osewalt asked what the minimum he can get

by with is in regards to lot coverage, to which Mr. Holloway indicated 48% is an appropriate minimum. Ms. Osewalt stated most granted variances do not exceed 50% lot coverage. Mr. Moreland requested clarification on the pool's 16-foot distance from the home, and Mr. D'Angelo stated the reasons include the ease of access for his children and aesthetic alignment to his next door neighbor's pool.

**Public Hearing:**

The following speaker was in favor of the requested variance:

- Matthew Lantzy, 3148 Isabella Boulevard, Jacksonville Beach

Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Moreland stated the lot is undersized. Ms. Osewalt stated the minimum variance should be considered.

**Motion:**

It was moved by Mr. Reddington, and seconded by Mr. Moreland, to approve BOA# 18-100128, as written and discussed, with 48% lot coverage, in lieu of the requested 50.2%.

**Roll Call Vote:**

Ayes – John Moreland, Francis Reddington, Sylvia Osewalt, and Gary Cater.

The motion was approved unanimously.

**(B) Case Number: BOA 18-100169**

**Applicant:** BCEL 10, LLC  
**Owner:** Warren C. Welch, Jr.  
**Agent:** Sam Bellock  
**Property Address:** 1718 South Beach Parkway

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)c.3, for a rear yard setback of 15.3 feet, in lieu of 30 feet required; and 34-337(e)(1)e., for 38.2% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling for property legally described as Lots 20 and 21, Block 4, *Williams Coastal Boulevard Heights*.

**Agent:** Sam Bellock, 7563 Phillips Highway, Unit 109, Jacksonville, stated with consideration to a 45-foot utility easement and a 30-foot setback requirement, he is requesting 38.2% lot coverage for constructing the new property. He added the current structure is past 30 feet, and the new construction would be pushed further back and closer to the front. When Ms. Osewalt inquired about the rear yard setback request, Mr. Knight stated the current rear yard setback is 4.9 feet. There is no structure behind the property. Mr. Reddington asked if the lot is substandard, and Ms. Osewalt responded it is.

**Public Hearing:**

No one came forward to speak about this variance.  
Ms. Osewalt closed the public hearing.

**Discussion:**

The Board agreed the agent is asking for the minimum amount in regards to the substandard lot.

**Motion:** It was moved by Mr. Reddington, and seconded by Mr. Moreland, to approve BOA# 18-100169, as written and read.

**Roll Call Vote:** Ayes – John Moreland, Francis Reddington, Gary Cater, and Sylvia Osewalt.

The motion was approved unanimously.

**(C) Case Number: BOA 18-100173**

**Applicant/Owner:** Sharon Lang  
**Agent:** Nathan Lang  
**Property Address:** 420 North 8<sup>th</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-339(e)(3)c.2, for a 6.8 foot easterly side yard setback and a 6.9 foot westerly side yard setback, each in lieu of 10 feet required; to rectify existing non-conformity and 34-339(e)(3)g., for an accessory structure setback of 1 foot, in lieu of 5 feet required; for two paver walkways, to an existing multi-family dwelling, for property legally described as Lots 4, Block 85, *Pablo Beach North*.

**Owner:** Sharon Lang stated she has a non-conforming lot, with a width that is supposed to be 60 feet across, instead of the 50 feet in existence. She wants to bring the property, which was already built over the 10-foot setback in 1969, into Code. She has owned the property since 2007. She had a paver driveway built, and her builder constructed paver sidewalks on the side. She also has a permit to install a fence around the property.

Ms. Osewalt questioned whether there is a shed on the western side of the yard that crosses over the property line, and Ms. Lang responded it is a plastic cover for kayaks and not a permanent structure. She also added her current lot coverage is 42%, and she is allowed up to 65% lot coverage according to zoning laws.

**Public Hearing:**

No one came forward to speak about this variance.  
Ms. Osewalt closed the public hearing.

**Discussion:**

The Board agreed it is a reasonable request.

**Motion:** It was moved by Mr. Reddington, and seconded by Mr. Moreland, to approve BOA# 18-100173, as written and read.

**Roll Call Vote:** Ayes –Francis Reddington, John Moreland, Gary Cater, and Sylvia Osewalt.

The motion was approved unanimously.

**(D) Case Number: BOA 18-100183**

**Applicant/Owner:** Richard Thomson Corporation  
**Agent:** Stephen Williams  
**Property Address:** 3901 Grande Boulevard

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e., for 50% lot coverage, in lieu of 35% maximum to allow a pool and paver patio addition to a new single-family dwelling, for property legally described as Lot 17, Block 14, *Ocean Terrace*.

**Agent:** Stephen Williams, 3731 Duval Drive, Jacksonville Beach, stated his hardship is a non-conforming lot. The house is currently 6,650 square feet, and the maximum allowed is 10,000 square feet. Ms. Osewalt referred to a previous variance request (BOA# 17-100052) and added the property was approved for a 45% lot coverage; she asked about the current lot coverage, and Mr. Williams explained it is currently at 43.3%. Mr. Williams stated the minimum lot coverage he would need is 48.5%. Mr. Moreland inquired about pavers while referring to the property survey.

**Public Hearing:**

No one came forward to speak about this variance.  
Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Reddington stated the lot is substandard.

**Motion:** It was moved by Mr. Reddington, and seconded by Mr. Cater, to approve BOA# 18-100183, as written and discussed, with 48.5% lot coverage, in lieu of the requested 50%.

**Roll Call Vote:** Ayes – John Moreland, Francis Reddington, Gary Cater, and Sylvia Osewalt.

The motion was approved unanimously.

**(E) Case Number: BOA 18-100187**

**Applicant/Owner:** DSM Renovations, LLC  
**Property Address:** 1221 North 7<sup>th</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.3, for a rear yard setback of 20 feet in lieu of 30 feet required; and 34-336(e)(1)e., for 40.8% lot coverage, in lieu of 35% maximum; for a new single-family dwelling; with a covered rear porch, for property legally described as Lot 11, Block 6, *Pine Grove Unit 2*.

**Agent:** Ben Broadfoot, 1083 North 17<sup>th</sup> Street, Jacksonville Beach, indicated he has a substandard lot. He is entitled to a 10,000 square foot lot size, but only has 6,210 square feet. Ms. Osewalt stated she is concerned the house is almost built, and the agent's request for variance came a bit late.

Mr. Knight explained the house's construction was approved without the City's reviewing, and this issue was caught when a permit was requested. He added the original plans did not show a proposed covered porch, which now requires a variance.

**Public Hearing:**

The following speaker was opposed to the requested variance:

- Champ Reiley, 84 Oakwood Road, Jacksonville Beach, is the backside neighbor of the property. He is against the rear yard setback request and added there is a sewer line behind the property.

Mr. Knight commented if the porch is uncovered, and therefore a flat accessory structure, it could go within five feet of the fence and would not require a variance.

Ms. Osewalt closed the public hearing.

**Discussion:**

Ms. Osewalt spoke in favor of the uncovered porch suggestion.

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve BOA# 18-100187, as written and discussed, with the requirement that the porch be unenclosed.

**Roll Call Vote:** Ayes – John Moreland, Francis Reddington, Gary Cater, and Sylvia Osewalt.

The motion was approved unanimously.

**(F) Case Number: BOA 18-100197**

**Applicant:** Michael Phillips  
**Owner:** Matt Thompson  
**Agent:** Michael Phillips  
**Property Address:** 236 South 32<sup>nd</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.2, for an easterly side yard setback of 8.9 feet and a westerly side yard setback of 8.5 feet, each in lieu of 10 feet required; and for 34-336(e)(1)c.3, for a rear yard setback of 19 feet, in lieu of 30 feet required; and 34-336(e)(1)e., for 49% lot coverage in lieu of 35% maximum, to correct existing non-conformities and to allow for substantial improvements to an existing single-family dwelling, for property legally described as Lot 7, Block 20, *Atlantic Shores Unit 1 Replat*.

**Agent:** Michael Phillips, 992 Ocean Boulevard, Atlantic Beach, and Mr. Thompson both came before the Board. Mr. Phillips stated they have a substandard lot that is currently 6,249 square feet. The Board acknowledged it is also substandard in its width. The owner explained he is intending to grow his family in requesting the variance.

Ms. Osewalt stated the new construction was already in existence and asked if the property was in conformance. When the owner responded it was not, she questioned how a permit was approved for the new construction. Mr. Phillips stated there was confusion with the City in the permitting process,

and that has led to the overlooking of the variance. He added he wasn't aware of the need for a variance when explaining how he obtained his permit. He also offered to replace the driveway with turf block, which would take 250 square feet off from the 49% lot coverage. Mr. Knight estimated it would bring down the lot coverage by 1.5%. Mr. Phillips gave the Board five letters from neighbors in support of the variance [*on file*]. Mr. Thompson explained he is not extending his non-conforming home outwards, but only upwards.

**Public Hearing:**

The following speakers were opposed to the requested variance:

- Harvey Like, 234 32<sup>nd</sup> Avenue South, stated this variance affects his home directly and provided the Board with photographs and documentation [*on file*] in explaining his case. He is concerned the construction is blocking his line of sight and would decrease the value of his property. He is also opposed to how the constructing process was started before a variance was granted.
- Eric Geller, 204 30<sup>th</sup> Avenue South, Jacksonville Beach, stated he filled out his speaker card marked as opposed. However, after hearing the owner speak, and if they are staying within the existing building footprint, it is acceptable.

The agent commented the lot coverage is currently at 49.6%, and would be decreased to 49% after the new construction. The Board discussed survey interpretation; it was clarified the house already had non-conforming rear and side yard setbacks before Mr. Thompson purchased it, and he is adding a second floor that would become part of this originally-nonconforming structure.

Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Cater commented if the driveway is exchanged with a turf block, then that would reduce the lot coverage by roughly 4%.

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve BOA# 18-100197, as written and discussed, with 48% lot coverage, in lieu of the requested 49.6%.

Mr. Reddington stated he is not fully approving of the motion.

**Roll Call Vote:** Ayes – John Moreland, Francis Reddington, and Sylvia Osewalt.  
Nays – Gary Cater

The motion was approved by a vote of 3-1.

**PLANNING DEPARTMENT REPORT**

The next scheduled meeting is **Tuesday, December 4, 2018**. There are five (5) scheduled cases.

**ADJOURNMENT**

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:10 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

Sylvia Osewalt  
Chairperson

12/4/2018  
Date