



**Minutes of Board of Adjustment Meeting  
held Wednesday, January 2, 2019 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**

**CALL TO ORDER**

Chairperson Jeff Truhlar called the meeting to order. Prior to roll call, Mr. Truhlar made a motion:

**Motion:** It was moved by Mr. Truhlar to adjust the roll call order, as Mr. Cummings is no longer the Vice-Chairperson, but Mr. Reddington is.

**Roll Call Vote:** Ayes – John Moreland, Sylvia Osewalt, Francis Reddington, Jeff Truhlar, Lucas Snyder, and Gary Cater

The motion was approved unanimously.

**ROLL CALL**

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

Building Official George Knight was also present.

**EX-PARTE COMMUNICATION:** *None*

**APPROVAL OF MINUTES:**

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

- December 18, 2018

**CORRESPONDENCE:** *None*

**OLD BUSINESS:** *None*

**NEW BUSINESS:**

**(A) Case Number: BOA 18-100200**

**Applicant/Owner:** Salt Air Homes, Inc.  
**Property Address:** 918 North 2<sup>nd</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-339(e)(1)c.2, for side yard setbacks of 7.5 feet in lieu of 10 feet required; and 34-339(e)(1)f., for 46% lot coverage in lieu of 35% maximum; and 34-373(d), for 2 foot parking area setbacks from property lines in lieu of 5 feet required to allow construction of three new two-family dwellings for property legally described as

the West ½ of Lots 1 and 2, together with Lots 3 and 4, Block 30, *Atlantic Park Replat of Part Pablo Beach North*.

**Agent:** Oliver Kraut, 226 Tallwood Road, Jacksonville Beach, referred to a handout to explain his case [*on file*]. He identified the hardship as being his substandard lot, which is 50 feet wide instead of the required 60-foot minimum. He is requesting this variance for three lots, each having the same hardship. Referring to his handouts, he explained the currently-existing lot coverage for the three lots is 47%, and if granted this variance, he would be decreasing the lot coverage by 1%.

Ms. Osewalt pointed the current lot area exceeds the 6000 square foot minimum for RM-1 zoning. Mr. Kraut commented his new project would bring many non-conformances into compliance and provide adequate parking. Mr. Reddington noted the agent applied for a concept plat application prior to this variance request; and it was approved for the construction of five, not six, townhome units.

**Public Hearing:**

The following spoke in opposition to the variance request:

- Mary Phillips, 934 10<sup>th</sup> Street North, Jacksonville Beach, explained there is no proven hardship in the variance request. She stated these new townhouse units would not be in keeping with the single-family neighborhood.
- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, expressed concerns regarding the addition of the sixth townhome as part of the new construction and the sizes of the garages. He added there is no hardship.

The following was opposed to the variance request, but chose not to speak:

- William E. (Trey) Phillips, 934 10<sup>th</sup> Street North, Jacksonville Beach

Mr. Kraut commented the garage door is 14 to 14.5 feet wide to accommodate as much parking as possible inside of the garage and in front of the building. Ms. Osewalt stated there is no question there is a hardship regarding the width of the lot, but the 47% requested lot coverage is not created by the 10-foot difference in the width of the lot.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Reddington stated the Board is not anti-development in Jacksonville Beach, but is against over-development. Ms. Osewalt stated there is a partial hardship.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Moreland, to approve BOA# 18-100200, as modified, for side yard setbacks of 7.5 feet in lieu of 10 feet required, only.

**Roll Call Vote:** Ayes –John Moreland, Francis Reddington, Sylvia Osewalt, and Lucas Snyder  
Nays – Jeff Truhlar

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

**(B) Case Number: BOA 18-100206**

**Applicant:** Jeffrey Tabb  
**Owner:** Pandora Vanberkel  
**Property Address:** 25 South 33<sup>rd</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.1, for a front yard setback of 20 feet in lieu of 25 feet required; and 34-336(e)(1)c.2, for a corner side yard setback of 10 feet in lieu of 15.5 feet required; 34-336(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet required; and 34-336(e)(1)e, for 49% lot coverage in lieu of 35% maximum to allow construction of a new single-family dwelling and pool for property legally described as Lot 5, and the East one-half of Lot 6, Block 4, *Atlantic Shores Ocean Front Section – Division “B”*.

**Agent:** Jeffery Tabb, 103 Burning Pine Court, Ponte Vedra Beach, explained the lot is undersized, non-conforming, and presents a hardship. The lot should be a minimum of 10,000 square feet in an RS-1 zone. He discussed setback complications for the now-demolished previous home. Mr. Tabb noted there are two entrance doors to the property drawn on the survey, one facing 33<sup>rd</sup> Avenue, which is the true entrance, and another facing Ocean Drive. He would be proposing a change in address to switch the entrance to Ocean Drive and added he consulted with Heather from Planning and Development regarding this change.

Ms. Osewalt asked the agent if the backyard neighbors, who would be located 10 feet away from this proposed property, were informed; the agent responded it would not affect them. The future construction would be either two or three stories, and Mr. Tabb has not personally spoken to the neighbors regarding this development. When Mr. Moreland questioned if the absolute minimum is being requested in the variance, Mr. Tabb commented he is trying to create privacy for the homeowners as there is a busy beach access located by the lot.

**Ex Parte Communication:**

Mr. Reddington advised the Board received a letter from Tom and Linda Richardson.

**Public Hearing:**

The following spoke in opposition to the variance request:

- Tom Richardson, 39 South 33<sup>rd</sup> Avenue, Jacksonville Beach, stated he is concerned about the size of the construction. He added his recreational yard is located on the east side, and his view would be impacted by what he assumes would be a 35-foot high building only 10 feet away from his lot. In explaining his opposition, he referred to photos attached to a letter he and his wife, Linda Richardson, sent to the Board of Adjustment regarding this case [*on file*]. He commented this variance would also reduce wind flow, sky view, and stormwater retention.
- Linda Richardson, 39 South 33<sup>rd</sup> Avenue, Jacksonville Beach, reaffirmed what Mr. Richardson has stated, and added other neighbors are also in agreement this variance should not be granted. She is also concerned about how this would impact property values.

The following spoke in favor of the variance request:

- Nicholas Renard, 11651 Kingsley Manor Way, Jacksonville, is the architect of the new construction. He explained the reasoning behind the setbacks and the overall size of the home.

Mr. Tabb responded to comments by noting he would ensure drainage would not be an issue with this construction. He added only a few oppositions made by the speakers are valid, as building height and view should not be taken into consideration by the Board.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Moreland stated there are other ways the property can be designed to be less intrusive into the neighbors' space, but there is no question this is a substandard lot. Mr. Reddington expressed concern for the 49% lot coverage request.

**Motion:** It was moved by Mr. Reddington, and seconded by Ms. Osewalt, to reject BOA# 18-100206, as written and discussed, for not meeting the minimum requirement. [to create less of an impact on the neighbors]

**Roll Call Vote:** Ayes – John Moreland, Francis Reddington, Sylvia Osewalt, Lucas Snyder and Jeff Truhlar

The motion to deny was approved unanimously.

**(C) Case Number: BOA 18-100212**

**Applicant/owner:** Don and Ann Casey  
**Agent:** Kelly Elmore  
**Property Address:** 3311 South Ocean Drive

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e., for 49.8% lot coverage, in lieu of 35% maximum and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet required; to allow existing non-conforming terrace and walkway additions to remain, to an existing single-family dwelling for property legally described as *Beginning at the Southeast corner of Lot 12, Block 1, Atlantic Shores, Ocean Front Section, Division "B"*.

**Agent:** Kelly Elmore, 1650 Beach Avenue, Atlantic Beach, is trying to bring an existing structure into conformance. He referred to handouts of images of the exterior of the house in years proceeding its construction in 1992 [*on file*]. When the house was purchased in 2014, the existing impervious lot coverage was 48.2%, which already created a hardship then. Upon recent renovations by the current owners, the agent explained no square footage was added to the overall property, but impervious surface was simply shifted to the back towards to the dune side and now has a narrower driveway. He added there is a 1.6% increase in lot coverage since this change was made, which also helped alleviate flooding. Mr. Elmore also commented due to erosion control line instated by Duval County, the spaces available for construction are limited in beach homes.

Mr. Truhlar commented the lot is 15,831 square feet without the interference of the erosion control zone, and Ms. Osewalt added the minimum required square footage is 10,000, according to zoning laws. The Board questioned why a variance was not requested earlier as the property was already non-compliant. Mr. Knight commented for a variance to be requested, there would have to be substantial improvements exceeding a certain monetary value; in this particular case, the changes

made to the property only required permits as they did not exceed that amount and were done in phases over one year. The latest City-approved lot coverage is 46.6%.

**Public Hearing:**

No one came before the Board to speak about this case.  
Mr. Truhlar closed the public hearing.

**Discussion:**

Ms. Osewalt commented the variance did not ask for the minimum the owners can get by, as the lot already exceeds the minimum lot size, and Mr. Moreland agreed and added there is no hardship.

**Motion:** It was moved by Mr. Moreland, and seconded by Ms. Osewalt, to deny BOA# 18-100212, as presented and discussed, for not meeting the minimum requirements.

**Roll Call Vote:** Ayes – Francis Reddington, John Moreland, Sylvia Osewalt, Lucas Snyder, and Jeff Truhlar

The motion to deny was approved unanimously.

**(D) Case Number: BOA 18-100213**

**Applicant/owner:** Loretta Burnsed  
**Agent:** Cliff Carter  
**Property Address:** 1197 North 4<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 25 feet in lieu of 30 feet required and 34-336(e)(1)e, for 36% lot coverage in lieu of 35% maximum, to allow a screen room addition to an existing single-family dwelling for property legally described as Lot 15, Block 3, *as Shown of Map of Pine Grove Unit 2.*

**Agent:** Clifford Carter, 1334 Tropic Egert Drive, Jacksonville, stated the lot is 6,600 square feet, when it should be a minimum of 10,000 square feet, and he is asking for more lot coverage because of this. The already-existing concrete would remain, and pavers would be placed on top. Ms. Osewalt commented the lot is undersized and this request is minimal.

**Public Hearing:**

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

**Discussion:**

There was no further discussion regarding this case.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Moreland, to approve BOA# 18-100213, as presented and discussed.

**Roll Call Vote:** Ayes –John Moreland, Francis Reddington, Sylvia Osewalt, Lucas Snyder, and Jeff Truhlar

The motion was approved unanimously.

**(E) Case Number: BOA 18-100214**

**Applicant/owner:** Robert and Kimberly Rhoner  
**Agent:** Ben Broadfoot  
**Property Address:** 401 North 15<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 22 feet in lieu of 30 feet required and 34-336(e)(1)e., for 40% lot coverage, in lieu of 35% maximum to allow for substantial improvement to an existing single-family dwelling, for property legally described as Lot 1, Block 5, *Surf Park Unit One*.

**Agent:** Ben Broadfoot, 1083 17<sup>th</sup> Street North, Jacksonville Beach, is requesting to maintain one of the walls of the already-existing garage to construct a new one and to add pavers around the pool, in addition to more changes noted on the survey. The current lot coverage is 22%. Mr. Broadfoot explained the orientation of the property and the garage's location create a hardship; he wants to maintain as much of the already-existing property's walls, instead of having to tear them down.

Owner Kimberly Rhoner approached the Board and clarified there is no parking on 15<sup>th</sup> Avenue, and the half-circle driveway in the proposed survey was included to accommodate parking because the garage would be facing 4<sup>th</sup> Avenue. The Board understood the proposal, but still had trouble finding a hardship. Mr. Knight clarified the 22 foot rear yard setback is already in existence and needs to be brought into conformance.

**Public Hearing:**

The following spoke in opposition to the variance request:

- Valerie Britt, 506 15<sup>th</sup> Avenue North, Jacksonville Beach, referred to a handout she gave the Board in regards to this case [*on file*], where she addressed each of the items on the variance separately in explanation of her opposition. She stated there is no hardship with the lot coverage.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Moreland commented there is no hardship to justify the requested lot coverage.

**Motion:** It was moved by Mr. Moreland, and seconded by Ms. Osewalt, to approve BOA# 18-100214; for a rear yard setback of 22 feet in lieu of 30 feet required, only, as written and discussed.

**Roll Call Vote:** Ayes –John Moreland, Francis Reddington, Sylvia Osewalt, Lucas Snyder, and Jeff Truhlar

The motion was approved unanimously.

**(F) Case Number: BOA 18-100219**

**Applicant/owner:** James H. Taylor  
**Agent:** Donald Edwards  
**Property Address:** 1848 Arden Way

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.2, for a corner side yard setback of 17 feet in lieu of 20 feet required and 34-336(e)(1)c.3, for a rear yard setback of 27 feet in lieu of 30 feet required to allow additions to an existing single-family dwelling for property legally described as Lot 22, Block 11, *Ocean Forest Unit 3*.

**Owner:** James H. Taylor explained his hardship is the lack of a garage due to the carport's incorporation into the family room in the original construction. The only way to build a garage is to extend part of the construction by eight feet and move the family room to the back. There is an easement in front of the driveway. Mr. Truhlar stated there is a hardship in the current configuration of the building.

**Public Hearing:**

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

**Discussion:**

There was no further discussion regarding this case.

**Motion:**

It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve BOA# 18-100219, as presented and discussed.

**Roll Call Vote:**

Ayes – John Moreland, Francis Reddington, Sylvia Osewalt, Lucas Snyder, and Jeff Truhlar

The motion was approved unanimously.

**PLANNING DEPARTMENT REPORT**

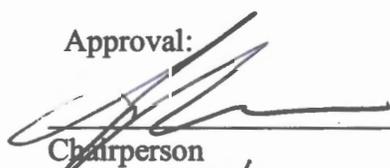
The next scheduled meeting is **Tuesday, January 15, 2019**. There are two (2) scheduled cases.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:55 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
\_\_\_\_\_  
Chairperson

2/5/19  
\_\_\_\_\_  
Date