

**Minutes of Board of Adjustment Meeting  
held Tuesday, January 15<sup>th</sup>, 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.

**ROLL CALL**

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

Building Official George Knight was also present.

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

**APPROVAL OF MINUTES:** *None*

**CORRESPONDENCE:** *None*

**OLD BUSINESS:** *None*

**NEW BUSINESS:**

**(A) Case Number: BOA 18-100215**

**Applicant:** James M. Vinci  
**Owner:** Jeffery Schmidt  
**Property Address:** 2509 St. Johns Boulevard

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e., for 57% lot coverage in lieu of 35% maximum; and 34-337(e)(1)g., for 0 foot accessory structure setback, to allow an existing unpermitted wood deck in the side yard to remain, a wider driveway, a pool constructed closer to the property line, and a proposed paver patio that connects to the public sidewalk to the north, and lot 14 to the east, all at an existing single-family dwelling, for property legally described as Lot 1, Block 3, *Jacksonville Beach Heights*.

**Owner:** Mr. Schmidt and Mr. Vinci, 214 Tallwood Road, Jacksonville Beach, both approached the Board to speak about this case. Mr. Schmidt identified the hardship as having a small, corner lot; making him and the agent responsible for an additional 1,200 square feet for the side near Osceola Avenue that does not count toward the total lot coverage, thereby reducing it by approximately 10%. He explained there is a 10-foot setback closer to Osceola Avenue that takes away from the overall lot coverage. Mr. Moreland commented that is true for every corner lot.

Ms. Osewalt mentioned the discussion regarding a previous variance application for this lot that came before the Board, requesting for 41% lot coverage, during which the owner ensured the Board the amount requested is more than sufficient for the changes he wants to make to his property. She then commented changes in construction were already undergoing for that previous application before it came before the Board and later referenced to the unpermitted wooden deck on this application, indicating it is a similar case. It was explained that due to a survey error, the wooden deck was not included on the previous application's survey, so the request for 41% lot coverage was not related to the wooden deck.

The requested additional lot coverage in this application is for the placement of pavers around the pool. The setback request is for the pool's location. Because the pool contractor used the incorrect fence line, rather than the property line, as the boundary of the lot, he built the pool in violation of setback laws.

**Public Hearing:**

The following spoke in opposition to the variance request:

- Ivan Richter, 2030 Horn Street, Jacksonville Beach, stated he feels uncomfortable regarding the 57% lot coverage request and how if this is approved, then other similar lots must be as well. He mentioned the owner's tendencies to construct first and ask for forgiveness later.
- Matt Lany, 2546 Horn Street, Jacksonville Beach, first asked if the intent of property use is considered by the Board, to which the Board answered that it is not factored in its decision. He then commented that if this property is used for commercial purposes, rather than residential purposes, then it becomes an issue according to how it is currently identified by law. Mr. Lany also added this would disturb the property's neighbors, which includes himself, due to noise intrusion that will affect their families. He also reiterated the point that changes are being done before permission is granted.
- Patti Mason, 3113 St. John's Boulevard, Jacksonville Beach, addressed already-existing parking issues that will erupt once this variance is allowed.

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

- Tina Nugent, 3180 St. Johns Boulevard, Jacksonville Beach
- Charles Mason, 3113 St. John's Boulevard, Jacksonville Beach,

Mr. Schmidt commented the decking already existed when the property was first constructed and is not a change he made. He explained the reasoning behind the double-wide driveway he intends to build, and that is to alleviate street parking, which was one of the issues discussed by opposers.

Mr. Vinci added this variance request is for placing pavers around the pool, which is an addition he would make that is not already-existing. Ms. Osewalt reiterated the owner's request for 16% additional lot coverage is just for adding pavers.

Mr. Truhlar closed the public hearing.

**Discussion:**

Ms. Osewalt spoke against the lot coverage request, and Mr. Reddington commented on the owner's previous behavior of making changes before permission is granted by the City.

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Reddington, to disapprove BOA# 18-100215 for exceeding the necessary minimum requirements to make reasonable use of the property and for conflicting with special privileges that were denied to others within the neighborhood.

**The motion was withdrawn.**

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Moreland, to approve BOA# 18-100215, for 43.9% lot coverage and for a 3.3-foot setback for the pool, only.

Mr. Knight commented the unpermitted wooden deck (accessory structure) is part of the lot coverage, which is currently 43.99%. **The motion was withdrawn, and the original motion was restated.**

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Reddington, to disapprove BOA# 18-100215 for exceeding the necessary minimum requirements to make reasonable use of the property and for conflicting with special privileges that were denied to others within the neighborhood.

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

The motion was approved unanimously.

**(B) Case Number: BOA 18-100222**

**Applicant/Owner:** Joshua Wicker  
**Agents:** Steve Jarrett & Scott Rae  
**Property Address:** 1126 North 5<sup>th</sup> Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e., for 44.8% lot coverage in lieu of 35% maximum; 34-336(e)(1)c.2, for a corner side yard setback of 10 feet, in lieu of 16 feet required; to allow construction of a new single-family dwelling, for property legally described as Lot 1, Block 1, *Beach Homesites Unit 1*.

**Agent:** Scott Rae, 344 South Roscoe Boulevard, Ponte Vedra Beach, owner Joshua Wicker, and Steve Jarrett, 3741 South 1<sup>st</sup> Street, Jacksonville Beach, all approached the Board. Their hardship is the undersized, approximately 9,200 square foot property, in lieu of the 10,000 square foot minimum. Another hardship is an 80-foot right-of-way that was identified as unusually large and therefore further reduces the lot coverage. The 16 feet the owner is requesting on the side of the construction is for a courtyard in the back towards 11<sup>th</sup> Avenue and private space for the children. The owner assured the Board he spoke with his neighbor. Discussion ensued regarding the two driveways and the side yard setback.

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

**Discussion:**

Ms. Osewalt stated there is no question this lot is non-conforming.

**Motion:**

It was moved by Ms. Osewalt, and seconded by Mr. Moreland, to approve BOA# 18-100222, as presented and discussed, for meeting the minimum variance requirements for suitable use of land.

**Roll Call Vote:**

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

The motion was approved unanimously.

**PLANNING DEPARTMENT REPORT**

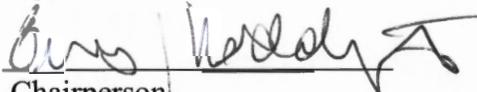
The next scheduled meeting is **Tuesday, February 5, 2019**. There are six (6) scheduled case.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:50 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
Chairperson

02-19-2019

Date