



square feet. Ms. Osewalt stated the property fits the minimum requirements and no hardship is present, and Mr. Reddington agreed.

When questioned by Mr. Truhlar about other structural alternatives to meet the setback requirements, Mr. Keiser stated the survey was altered and submitted more than once to comply with Land Development Code laws, specifically referencing the 35% lot coverage maximum, but the setback variance request is for an accessory structure. While accessory structure setback requirements differ from those of a dwelling's requirements and would naturally meet the Land Development Code rules in this particular case. Mr. Knight stated the Planning and Development Department determined the accessory structure is located less than 5 feet from the home and is considered attached. Mr. Knight referenced an email from Ryan Hammers with Impact Enclosures [on file] to further explain why this accessory structure and the dwelling are considered one structure.

**Public Hearing:**

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

**Discussion:**

There was no further discussion regarding this application.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Moreland, to deny BOA# 18-100181, as written and discussed, based on the fact the minimum variance would not make it impossible for the structure, the reasonable use of property, plus it's over the requirements of the Land Development Code.

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

The motion to deny was approved unanimously.

**(B) Case Number: BOA 18-100201**

**Applicant/Owner:** Jill Reyman  
**Agent:** Rodney McDougal  
**Property Address:** 1687 Roberts Drive

**City of Jacksonville Beach Land Development Code Section(s)** 34-338(e)(1)c.3, for a rear yard setback of 19 feet, in lieu of 30 feet required; and 34-338(e)(1)e., for 47.5% lot coverage, in lieu of 35% maximum; to allow replacement of a screen room at an existing single-family dwelling, for property legally described as Lot 14, *Seabreeze Square*.

**Agent:** Rodney McDougal, 2382 Carolina Cherry Court, Fleming Island, wants to bring a non-conforming lot into compliance in order to renovate an already-existing structure. This lot exceeds the 6,000 square foot minimum lot requirement determined by the RS-3 zoning laws. When Mr. Truhlar questioned Mr. Knight about the history of the lot's non-conformance, Mr. Knight explained this lot has been existing as is since the late 1980s, before the Land Development Code was in effect. When asked by Ms. Osewalt whether the neighbors were informed about this request, Mr.

McDougal stated the current owner, Ms. Reyman, is deceased and added this lot must be brought into compliance in order for its sale to proceed to potential buyers.

**Public Hearing:**

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

**Discussion:**

Mr. Moreland commented the construction was built in this condition before the Land Development Code currently used was in effect, and it seems like neighbors have not had an issue with its current condition so far.

**Motion:** It was moved by Mr. Moreland, and seconded by Ms. Osewalt, to approve BOA# 18-100201, as presented and discussed, for meeting the minimum variance criteria for suitable use of land.

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

The motion was approved unanimously.

**(C) Case Number: BOA 18-100231**

**Applicant/Owner:** Cinithia F. Lang  
**Agent:** Ogthen Vojnovic  
**Property Address:** 39 South 35<sup>th</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.1, for a front yard setback of 18 feet, in lieu of 25 feet required; and 34-336(e)(1)c.2, for a westerly side yard setback of 5 feet, in lieu of 10 feet required; and 34-336(e)(1)e. for 68.6% lot coverage, in lieu of 35% maximum; and 34-373(d) for a parking area setback of 2 feet in lieu of 5 feet required; to allow for the construction of a new single-family dwelling, for property legally described as Lot 9, Block 6, *Atlantic Shores Oceanfront Division "A"*.

**Agent:** Ogthen Vojnovic, 1302 Yellow Star Lane North, Jacksonville, explained the setback requests are for the building of a detached garage with enough access space. Ms. Osewalt referred to a previous variance (BOA# 17-100180) approved by the Board for a front yard setback of 20.7 feet, in lieu of the 25 feet required; side yard setbacks of approximately 5 feet and 5.1 feet in lieu of 10 feet; a rear yard setback of 5 feet, in lieu of 30 feet required; and 37% lot coverage, in lieu of 35% minimum. Ms. Osewalt added the owner now is asking for almost double the percentage of the lot coverage, yet most of the requested items were already fulfilled by the last request. Mr. Knight clarified the last variance request was for the building structure, whereas this request is for an accessory structure.

Mr. Moreland explained to Mr. Vojnovic any request above 50% lot coverage is not easily granted by the Board and questioned later whether 50% is an adequate percentage to make reasonable use of the property, to which Mr. Vojnovic responded yes. Ms. Osewalt asked whether the agent can get by without the parking area setback request, and the Board questioned the reasoning behind this

request. Mr. Knight clarified the parking area is required to be 17 feet in depth, and without the request, the boundary line would be located within two feet of the property line. Board agreed this variance request needs to be modified.

**Public Hearing:**

Mr. Reddington acknowledged correspondence received by the Board from James Cooper (no address provided), the lot north of the subject property, in opposition to the variance.

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

- Don Mihaly, 49 35<sup>th</sup> Avenue South, Jacksonville Beach

The following spoke in opposition to the variance request:

- Larry N. Ponder, 50 35<sup>th</sup> Avenue South, Jacksonville Beach, referred to two photographs [*on file*] to explain the drainage problem this variance might cause; the second photo Mr. Ponder presented to the Board showed the street in a flooded state. He added his lot and the neighbors' are all conforming, and expressed disapproval regarding the increased lot coverage in the request and drifting from the Land Development Code rules.

In response to some of Mr. Ponder's comments, Ms. Osewalt stated the owner has an undersized and non-conforming lot, and therefore the Board must approve an increased lot coverage of some kind. Mr. Cummings pointed out the discussed lot in this variance is Lot 9, whereas the discussed previous variance was approved was for Lot 8, block 6. It was later understood while they share the same address, the two lots (lots 8 and 9) are different, which means no previous variance exists for this particular lot.

In his rebuttal, Mr. Vojnovic stated he is comfortable with 50% lot coverage, rather than the 68.6% originally requested in this variance.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Cummings stated he could not approve any variance if it is not fully presented before him and the Board agreed. Mr. Moreland added he visited the lot in times of flooding, and the high-water level issue is more severe than is shown by the photograph Mr. Ponder presented.

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Cummings, to deny BOA# 18-100231, as presented and discussed, for not being a reasonable request.

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

The motion to deny was approved unanimously.

**(D) Case Number: BOA 18-100235**

**Applicant:** Georgia Kay Papevies Life Estate  
**Owner:** American Classic Homes  
**Agent:** Michael O'Neal  
**Property Address:** 231 South 21<sup>st</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-340(e)(1)c.2, a side yard setback and a corner side yard setback each 5 feet, in lieu of 10 feet minimum; and 34-340(e)(1)f., for 42% lot coverage, in lieu of 35% maximum; and 34-340(e)(1)h., for an accessory structure setback of 0 feet, in lieu of 5 feet minimum, for patios; and 34-373(d) for a parking area setback of 2 feet, in lieu of 5 feet required; to allow for the construction of two new two-family dwellings, for property legally described as Lots 2 and 3, Block FF, *Permenters Replat of South Pablo or Atlantic Camp Grounds*.

**Agent:** Michael O'Neal, 1538 Hendricks Avenue, Suite 2, Jacksonville, first corrected an error on the Agenda: the applicant is American Classic Homes, and the owner is Georgia Kay Papevies Life Estate. Mr. O'Neal stated there are two 40x100 foot lots of record that currently have one single-family home. The lots are substandard, creating a hardship. Mr. O'Neal added he is not asking for any setback on the front or rear, only on the sides. Ms. Osewalt expressed concerns about parking and stated she had an issue navigating the street while visiting the area. Mr. O'Neal replied he perceived the area would have little traffic. Ms. Osewalt stated the side yard setback requests are reasonable, as the lots are undersized, but the remaining variance requests are not. Mr. O'Neal stated he is willing to accommodate.

**Public Hearing:**

Mr. Reddington acknowledged correspondence received by the Board in opposition to the variance request by the following:

- Susan Mullaney, 2043 2<sup>nd</sup> Street South, Unit B, Jacksonville Beach
- Charles and Regina Harrington, 2091 Gail Avenue, Jacksonville Beach
- Rick and Theresa Mann, 2043 Gail Avenue, Jacksonville Beach
- Ken and Darby Marsh, 2011 and 2027 Gail Avenue, Jacksonville Beach
- Jorge Adalberto Chamorro, 2075 Gail Avenue, Jacksonville Beach
- Evan Klippel, 2059 Gail Avenue, Jacksonville Beach

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

- Catherine Latham, 2016 Gail Avenue, Jacksonville Beach
- Darby Marsh, 2011 Gail Avenue, Jacksonville Beach

The following spoke in opposition to the variance request:

- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, referenced a handout [*on file*] and expressed concerns about parking and overdevelopment.
- Ken Marsh, 2011 and 2027 Gail Avenue, Jacksonville Beach, gave handouts to the Board to explain his opposition [*on file*]. He commented all of the homeowners on Gail Avenue, east of the property, are unanimously opposed to the variance for reasons below:
  - The variance application is to build four units.

- The plan adds a minimum of eight cars that would require parking, and the neighborhood is already at capacity-level.
- The applicant does not address the flooding issues that already occur in the neighborhood.
- The applicant can build less but chose not to in order to maximize the profit margin.

Mr. Marsh showed a photo to Board Members on his personal electronic device [*copy not provided for file*].

- Charlie Latham, 2016 Gail Avenue, Jacksonville Beach, reiterated on the issue of parking and flooding in the neighborhood. He also expressed concern regarding these types of homes being turned into vacation rentals, causing the area to decline.

Mr. O'Neal stated the zone allows for multi-family construction, and there are two lots in the discussion. He added a hardship is present with the sizes of the lots and the lot coverage, which explains the setback requests in the variance. He understood drainage concerns and added while he did not present a plan before the Board, the City of Jacksonville Beach would require one before building the new constructions. Mr. O'Neal finally stated there are no plans for the new construction to turn into vacation rentals.

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Moreland commented while the zoning of the lots permits their development, the traffic patterns in the neighborhood present special circumstances for the Board not to grant the variance. There are also flooding issues to be concerned about. Mr. Knight stated pervious pavers would not reduce the lot coverage. Ms. Osewalt expressed concerns about the accessory structure and parking area setbacks.

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Cummings, to disapprove BOA# 18-100235, as presented and discussed, for not meeting the minimum variance criteria for reasonable use of land.

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

The motion to deny was approved unanimously.

**(E) Case Number: BOA 18-100236**

**Applicant/Owner:** Jane Higgins  
**Agent:** Ben Broadfoot  
**Property Address:** 1008 North 8<sup>th</sup> South

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.2, for a northerly side yard setback of 5 feet, in lieu of 10 feet required; and 34-336(e)(1)e., for 48% lot coverage, in lieu of 35% maximum, to allow for an addition to an existing single-family dwelling, for property legally described as Lot 19, Block 11, *Beach Homesites Unity Two*.

**Agent:** Ben Broadfoot, 1083 17<sup>th</sup> Street North, Jacksonville Beach, stated he has an undersized lot. There is currently no garage, and he wants to build a garage, master bedroom, porch, and a new

pool. The garage would be 28 feet deep. Mr. Broadfoot also stated he believes the current lot coverage is under 35% and believes the owners have spoken with the neighbors regarding this variance. When asked by Mr. Moreland whether a modification of the area surrounding the pool would reduce lot coverage, the agent responded the lot coverage would be reduced to 42%.

**Public Hearing:**

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

**Discussion:**

Mr. Moreland stated it is clear this lot presents a hardship and at least 42% lot coverage is reasonable.

**Motion:** It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve BOA# 18-100236, as presented and discussed, with a percent lot coverage of 42% in lieu of 48%.

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

The motion was approved unanimously.

**(F) Case Number: BOA 18-100237**

**Applicant/Owner:** Brian Crooke  
**Property Address:** 1344 Willow Oaks Drive South

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.3., for a rear yard setback of 12 feet, in lieu of 30 feet required; to allow covering an existing non-conforming paver patio on an existing single-family dwelling, for property legally described as Lot 32, *Plantation Oaks*.

**Owner:** Brian Crooke, 1344 Willow Oaks Drive South, Jacksonville Beach, stated he purchased the property on August 1, 2018, and found the lot is non-conforming because of a concrete paver section in the back of the property. He plans to cover the paver area with an open-air structure. He added adjacent to the property is a tidal creek, then city-owned property, and Marsh Drive, essentially 150 yards before the next residential property. His hardship is the irregular shaped lot pushes the structure toward the rear of the lot. The Board noted a previous variance was granted for this property for 40% lot coverage, in lieu of 35%, and a rear setback of 27.75 feet, in lieu of 30 feet required, but the non-conforming part was built after the variance was granted.

Mr. Moreland commented while the percentage of the lot coverage is not necessarily a hardship, the Land Development Code states placement of the structure can create a hardship, which exists in this case.

**Public Hearing:**

The following was in favor of the variance request, but preferred not to speak:

- Gregg Barnett, 1280 Plantation Oaks Drive, Jacksonville Beach

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Cummings stated he lives in the neighborhood, has inspected the property, and has no issue granting the variance.

**Motion:**

It was moved by Mr. Moreland, and seconded by Mr. Cummings, to approve BOA# 18-100237, as presented and discussed, for an open-air structure.

**Roll Call Vote:**

Ayes – John Moreland, Francis Reddington, Scott Cummings, and Jeff Truhlar  
Nays – Sylvia Osewalt

The motion was approved by a vote of 4-1

**PLANNING DEPARTMENT REPORT**

The Board raised questions about the proper procedural practice for approving a motion. Mr. Knight suggested presenting the question in writing to the Planning and Development Director and City Attorney for clarification. The Board agreed.

Mr. Knight inquired about Board Member Lucas Snyder, noting Mr. Snyder has missed a couple of meetings. Board Members indicated they had not heard from Mr. Snyder. It was mentioned the Land Development Code lists attendance requirements for all City board members. The Board asked Mr. Knight to contact Mr. Lucas.

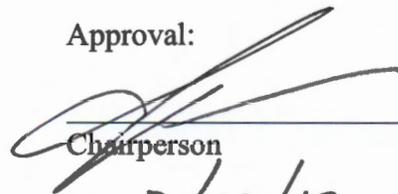
The next scheduled meeting is **Tuesday, February 19, 2019**. There are two (2) scheduled cases.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:35 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
\_\_\_\_\_  
Chairperson  
3/20/19  
\_\_\_\_\_  
Date