

**Minutes of Board of Adjustment Meeting  
held Tuesday, March 5, 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 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 Mr. Cummings, and passed unanimously to approve the following minutes:

- February 19, 2019

**CORRESPONDENCE:** *None*

**OLD BUSINESS:** *None*

**NEW BUSINESS:**

**(A) Case Number: BOA 19-100003**

**Owner:** 308 3<sup>rd</sup> Street South, LLC  
**Applicant:** MME FLORIDA, LLC  
**Agent:** Tara Tedrow, Esquire  
**Property Address:** 308 3<sup>rd</sup> Street South, LLC

**City of Jacksonville Beach Land Development Code Section(s)** 34-342(e)(3)b., for a corner side yard setback of 0 feet, in lieu of 10 feet minimum, for an existing building; and 34-373(c) for a maneuvering space of 10.8 feet, in lieu of 23 feet required, and 34-373(d) for a parking area setback of 0 feet, in lieu of 5 feet required; for existing non-conforming parking (7 existing spaces), all to allow for substantial improvements to an existing non-conforming commercial property, for property legally described as Parcel 1: The South 68 feet of the North 98 feet of Lot 1, Block 34, Pablo Beach South and the South 27 feet of Lot 1, Block 34, Pablo Beach South; Parcel 2: Lot 2, Block 34, Pablo Beach South; Parcel 3: Lot 3, Block 34, Pablo Beach South; Parcel 4: Lot 4; Block 34, Pablo Beach South.

**Agent:** Tara Tedrow, 215 North Eola Drive, Orlando, utilized a PowerPoint presentation [*on file*] to explain the hardship of the property. She referred to a map of the property to indicate the parking spaces available in the adjacent vacant lot and later discussed the code-conforming changes that would follow. The site currently has seven exiting and non-conforming parking spaces in the front of the property, facing 3<sup>rd</sup> Street, which the owner wants to utilize as Americans with Disabilities Act (A.D.A) parking spaces. The spaces are accessible to the only public entrance into the building, located in the front. The non-conformance of the parking spaces is the hardship presented before the Board, adding other adjacent properties have faced similar issues.

Ms. Tedrow stated the lot does not meet current minimum parking requirements, and due to its shape and design, it is not possible to bring it into compliance without the requested variance. She also added the land was purchased as-is and no structural changes would be made to the construction other than for beautification purposes on what is already existing. She explained she is asking for the minimum amount of variance necessary for the utilization of the property and reiterated the A.D.A spaces would be the closest to the property's entrance, and since the only entrance is located facing 3<sup>rd</sup> Street, then this variance is needed. Ms. Tedrow commented this would not impact adjacent land usage and referred to a letter from the owner of Ginger's Place, an adjacent business, which states she is aware of this variance request and is in favor of it.

Ms. Osewalt commented the 3<sup>rd</sup> Street entrance is not the only access point to the property, as you can enter from the back. Ms. Tedrow clarified this entrance is the closest one to the front of the property, which is the only access point for its customers. The Board questioned the project engineer, Matt Femal, 655 North Frankin Street, Tampa, about clarification regarding the number of parking spaces. Mr. Femal stated the seven existing parking spaces would remain, two of which would become A.D.A parking spaces, and all the changes to be made meet the state requirements. Currently, there is one A.D.A parking space. The alleyway would be paved, and directional signage was proposed by the Board to indicate the availability of additional parking in the back of the property. It was also discussed the newly paved alley could have a one-way direction to facilitate driving. The business would be a medical marijuana dispensing facility.

**Public Hearing:**

No one came before the Board to speak about this case.

Mr. Truhlar closed the public hearing.

**Discussion:**

Ms. Osewalt commented a side yard setback variance request must be granted, given the circumstance of the property. Mr. Cummings commented he is in favor of the new parking plan. Mr. Moreland added he once tried to maneuver this proposed one-way alley when exiting the property and thinks it would facilitate movement.

**Motion:**

It was moved by Mr. Moreland, and seconded by Mr. Cummings to approve BOA# 19-100003, as presented and discussed, with the addition that the alleyway be paved and that it be one-way, directing traffic back to behind the building through the other paved parking, and that there be both signage to that effect and arrows directing drivers along that way on the ground.

**Roll Call Vote:**

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

The motion was approved, as amended, by a vote of 3-2.

**(B) Case Number: BOA 19-100005**

**Applicant/Owner:** Conan M. Herring  
**Property Address:** 1503 North 8<sup>th</sup> Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e., for 42% lot coverage, in lieu of 35% maximum; 34-336(e)(1)g., for an accessory structure setback of 3 feet, in lieu of 5 feet required; 34-373(d) for a parking area setback of 1.5 feet, in lieu of 5 feet required; all to allow a shed, a driveway expansion, and a pool addition to an existing single-family dwelling, for property legally described as Lot 7, Block 1, *Beach Homesites Unit 3*.

**Owner:** Conan and Sarah Herring, 1503 8<sup>th</sup> Street North, approached the Board. Mr. Conan stated he has an undersized lot, with its width being 70 feet, rather than the 90 feet minimum. They spoke of three police reports of incidents involving the property which ultimately required reflectors be placed on the property to identify a nearby turn. He added he is expanding his driveway to the left and is requesting to add a storage shed. The side yard setback is for the shed only and not the pool. When asked about the 3-foot shed setback, the owner replied it is not a necessity.

Mr. Truhlar stated the current lot coverage is 38.2%, and Mr. Moreland added if it were a standard-sized lot, then the lot coverage would be 38.9%. The pavers around the pool are already-existing and under the roofline of the house, meaning they are part of the lot coverage, and the remaining items in the variance request are only a proposal.

**Public Hearing:**

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

**Discussion:**

Mr. Moreland commented the accessory structure request is not necessary to make reasonable use of the property.

**Motion:**

It was moved by Mr. Moreland, and seconded by Mr. Cummings, to approve BOA# 19-100005, for 34-336(e)(1)e., for 42% lot coverage, in lieu of 35% maximum; and 34-373(d) for a parking area setback of 1.5 feet, in lieu of 5 feet required; all to allow a driveway expansion and a pool addition to an existing single-family dwelling.

**Roll Call Vote:**

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

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

**(C) Case Number: BOA 19-100006**

**Applicant/Owner:** Richard Johnson and Angela Tekin  
**Agent:** Casa Design Build Management, Chad Whitman  
**Property Address:** 616 North 5<sup>th</sup> Street

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e., for 41% lot coverage, in lieu of 35% maximum; for a driveway and patio additions to a new single-family

dwelling, for property legally described as *North ½ of Lots 7, 8, and 9, Block 66, Pablo Beach North Replat.*

**Agent:** Chad Whitman, P.O. Box 56726, Jacksonville, is building a two-story Hemingway-style home with a detached garage. He wants to expand the driveway area so vehicles can adequately enter the circular driveway when exiting the garage. It is new construction. When asked to specify his hardship, he stated one of his hardships is the lack of patio space, and the other is the inability to successfully pull out of the garage with the space given in the original proposed survey. Board agreed the lot itself does not create a hardship.

Mr. Cummings stated the lot width for this property must be at least 75 feet, yet it is currently 62.5 feet wide. Mr. Reddington commented it is substandard. Mr. Whitman added the hardship is the combination of the easement and the lot width. He spoke with Public Works regarding paving the property and received the department's approval. Ms. Osewalt commented there is a hardship created by the new design, but not by the lot itself because the variance requested was not for additional width. The agent then stated he is also requesting for a paver patio addition, and as the owner's direct neighbor, he is approving of this variance. Discussion ensued between Board and the agent regarding property design and the possibility of reducing lot coverage.

**Public Hearing:**

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

- Mike and DeAnna Anderson, 605 North 5<sup>th</sup> Street, Jacksonville Beach, the property's next-door neighbors.

Mr. Truhlar closed the public hearing.

**Discussion:**

Ms. Osewalt stated the patio addition is not necessary. Mr. Moreland discussed with the Board alternative driveway design options.

**Motion:** It was moved by Mr. Reddington, and seconded by Mr. Cummings, to approve BOA# 19-100006, as read, special conditions and circumstances exist which are peculiar to this parcel of land, building or structure, which are not applicable to other parcels of land, structures, or building on the same zoning district.

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

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

**(D) Case Number: BOA 19-100007**

**Applicant/Owner:** LeRoy H. Stecker, III  
**Property Address:** 1200 North 2<sup>nd</sup> Avenue

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e., for 48.1% lot coverage, in lieu of 35% maximum; and 34-336(e)(1)g., for an accessory structure setback of 4 feet in lieu of 5 feet required; to allow the addition of a paver patio and pergola to an existing single-family dwelling, for property legally described as *Lot 7, Block 3, Pine Grove Unit 1.*

**Owner:** LeRoy H. Stecker, III, 1200 2<sup>nd</sup> Avenue North, Jacksonville Beach, stated his backyard faces the south, which places the house in direct sunlight, and he wants to build a paver patio and pergola to limit sunlight access. He explained one of his hardships is his substandard lot, and the other being part of his westerly neighbor's property (driveway) is located three feet into his property. The lot is currently at 43% lot coverage due to a previous variance request. Mr. Moreland stated granting 5% additional lot coverage would make up for the space the neighbor's driveway took from his property.

**Public Hearing:**

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

**Discussion:**

Board agreed this is an unusual case because of the neighbor's intrusion into the lot.

**Motion:**

It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve BOA# 19-100007, as presented and discussed, because it will make the property owner whole and because granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan.

**Roll Call Vote:**

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

The motion was approved unanimously.

**(E) Case Number: BOA 19-100011**

**Applicant/Owner:** Ossi Investments, LLC, Jack Ossi  
**Property Address:** 344 St. Augustine Boulevard

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e., for 43.5% lot coverage, in lieu of 35% maximum; 34-337(e)(1)g., for an accessory structure (pool) setback of 2 feet in lieu of 5 feet required; to allow construction of a new single-family dwelling, for property legally described as *Proposed Lot 1, South Beach Village West a.k.a Rio Beach (Unrecorded Plat) (Lots 8, 9, 10, 13, and Part of Lots 14 & 15, Block 11 Replat of Atlantic Shores, Unit 1, Plat Book 14, pages 39-40, of Duval County).*

**Prior to hearing the case, Mr. Truhlar stated the Board would treat the variance request as an RS-2 zoning case.**

**Owner:** Jack Ossi, 322 Pablo Road, Ponte Vedra, is the builder and representative of the property owners. He stated his hardship is the 6,813-foot lot size, whereas for an RS-2 lot, a 7,500-foot lot size minimum is required. The Board agreed this lot is substandard. He is asking for an increase in the lot coverage to add a pool in the backside of the property and is willing to make changes to his request to reduce the lot coverage so it would become the minimum necessary for reasonable land use. Coping, instead of pavers, has been proposed by the Board to be placed around the 12x15 foot pool to reduce lot coverage, and Mr. Ossi agreed in response to this proposal. Mr. Truhlar referred to the history of the variance requests for this lot, noting most requests were for setbacks and questioning why lot size has now become an issue. Mr. Ossi stated the three-foot proposed pavers

surrounding the pool are causing the rise in the lot coverage. He reiterated he is only the builder and not the requestor of the variance and therefore does not know the intent and flexibility of the owners regarding the request. Mr. Cummings commented on the size of the house, too, is causing the lot coverage increase. Mr. Ossi commented he believes a commercial property exists adjacent to this property.

The Board examined the variance request history for the discussed lot. Mr. Cummings reiterated Mr. Ossi is willing to make changes to the request to reduce lot coverage and satisfy the owners at the same time. Discussion ensued regarding variances granted to adjacent lots. When Ms. Osewalt asked Mr. Ossi about the minimum variance needed in this case, he stated approximately 40% lot coverage is sufficient if he can alter the driveway. Placing pavers on the backside of the pool was deemed not necessary by the Board, which would eliminate 90 feet from the lot coverage and the setback request in the variance, resulting in 42% lot coverage.

**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 case.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Cummings, to approve BOA# 19-100011, as read and discussed, 34-337(e)(1)e., for 42% lot coverage, in lieu of 35% maximum, only.

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

The motion was approved unanimously, as modified.

**PLANNING DEPARTMENT REPORT**

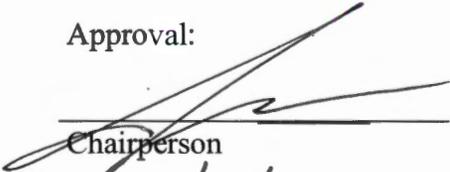
The next scheduled meeting is **Wednesday, March 20, 2019**. There are four (4) scheduled cases. Ms. Osewalt stated she would not be able attendance.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Reddington adjourned the meeting at 8:25 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
Chairperson

4/2/19  
Date