

**Minutes of Board of Adjustment Meeting
held Wednesday, March 20, 2019, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd 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 (*absent*) Gary Cater (*absent*)

Senior Planner Heather Ireland was also present.

EX-PARTE COMMUNICATION: *None*

APPROVAL OF MINUTES:

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

- February 5, 2019

CORRESPONDENCE:

Email correspondence to Board Members re: BOA#18-100235 [*on file*]

OLD BUSINESS: *None*

NEW BUSINESS:

(A) Case Number: BOA 19-100012

Owner: Jeffrey B. Lawler
Applicant: Tye Wallace
Property Address: 602 Shetter Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-344(e)(5), for 96% lot coverage, in lieu of 85% maximum; 34-373(d), for no parking area setback in lieu of 5 feet required; 34-425(b)(1), for no landscape buffer, in lieu of 5 feet minimum; and 34-425(c)(1), for 11 spaces in an interrupted row, in lieu of 10 spaces maximum; and no interior landscaping, to allow for the change of use of an existing developed property, for property legally described as Lots 1 and 2, Block 7, *Pablo Beach South*.

Applicant: Tye Wallace, 709 4th Avenue North, Jacksonville Beach, stated the property would be a creative office space that roasts coffee, publishes magazines, and would have a Microbrewery with

a small 800 square foot craft beer tasting room on site. He is asking for a parking variance that would make the land in compliance with zoning laws based on its new uses. The Land Development Code states they are required to have a minimum of 20 parking spaces, and his proposed parking plan accommodates 21 spaces. In addition, three neighboring businesses are also offering 20 overflow parking spaces if needed. Mr. Wallace stated the Planning and Development Department had contacted Street Superintendent David McDonald from Public Works in regards to a landscape hedge of 6th Street South in order to help perimeter beautification if the setback request is approved. Mr. Wallace referenced Publix and Burrito Gallery as businesses with similar landscape hedges.

When asked by the Board to specify his hardship, Wallace stated the building on the property is already existing, and due to his need to accommodate the new land use requirements in regards to parking spaces, he has to obtain a variance. Currently, it is not at 96% lot coverage and has 13 existing parking spaces. Ms. Osewalt commented the land has to provide the hardship. Mr. Moreland responded pre-existing construction could constitute a land hardship and added 96% lot coverage request is a large request that can be reduced with using gravel or pavers. Mr. Wallace responded he has looked at other options, like replacing pavers with gravel, which would require only 85% lot coverage while accommodating the 21 spots as well.

Ms. Ireland commented a previous variance for the property was granted to accommodate more parking, but it has not been used. The new construction would be a 6,665 square foot building. Discussion ensued between Mr. Wallace and Board Members regarding the uses of the property. Mr. Truhlar noted for the record, the Board could not recognize amiable parking agreements. In response to Mr. Cumming's question regarding the property's similarity to Burrito Gallery, Mr. Wallace stated the proposed parking lot extends to the edge of the lot line, and he would apply to have a 2.5 foot-high hedge be put on the backside of the easement for beautification purposes similar to Burrito Gallery.

Public Hearing:

The following submitted a letter in opposition of the variance request [*on file*]:

- Pamela D. Howard, 528 Beach Boulevard, Jacksonville Beach

The following spoke in favor of the variance request:

- Terry DeLoach, 405 32nd Avenue South, Jacksonville Beach, commented the hardship on this application is the building.
- Jay Dodson, 1626 Park Terrace West, Atlantic Beach
- Jennifer Peaco, 592 Shetter Avenue, Jacksonville Beach (Coastal Auto)

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

- Geoff Gallagher, 114 Flagler Boulevard, St. Augustine
- Haley Guette, 1716 1st Street, Neptune Beach
- Cassandra Ashburn, 405 Lower 8th Avenue South, Apt. B, Jacksonville Beach
- Sara Shapiro, 51 Tallwood Road, Jacksonville Beach
- Nicole Parisher, 13813 Zion Gate Court, Jacksonville

The following spoke in opposition to the variance request:

- Wade Hampton, 4348 Southpoint Boulevard, Suite 101, Jacksonville, is representing the owner of the property adjacent to the property in discussion, 5 Points, LLC, located at 528 Beach Boulevard, Jacksonville Beach. He stated the character of the community would

change if this variance is granted as this would create a precedent for future developments. Mr. Hampton suggested restrictions be included in the event the Board approves this variance.

Mr. Wallace commented he participated in discussions with the party who opposes the variance and stated the City governs all the rules.

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Reddington and Ms. Osewalt questioned the presence of a hardship. Ms. Ireland noted to the Board, in response to comments about its size and uses, Ordinance No. 2019-8115 was created by the City to allow these uses and limitations, and she added outdoor seating would not be an issue as it is prohibited in the ordinance. The applicant would also submit a Revocable Encroachment Permit to Public Works as part of the process of creating a hedge and expanding parking.

Motion: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve BOA# 19-100012, as written, except for 85% maximum lot coverage, instead of the 96% as proposed.

Discussion ensued to clarify the request for no interior landscaping is included in the motion.

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

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

(B) Case Number: BOA 19-100015

Applicant: Mark Darr
Owner: Double D. Construction, LLC
Agent: John Denneen
Property Address: 3916 Poincianna Boulevard

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.2, for side yard setbacks of 7.5 feet, in lieu of 10 feet required; and 34-336(e)(1)e., for 40% lot coverage, in lieu of 35% maximum; to allow the construction of a new single-family dwelling, for property legally described as Lot 3, Block 12, *Ocean Terrace*.

Agent: John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated he has a nonconforming, 6,650 square foot lot, whereas a minimum of 10,000 square feet is required according to RS-1 zoning. The owner is looking to build a 2,468 square foot single-family dwelling, which would require the variance. Ms. Osewalt commented this is a nonconforming lot, and the Board agreed.

Public Hearing:

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

- John Parsons, 1628 3rd Avenue North, Jacksonville Beach
- Mike Sasser, 208 Oceanwood Drive, Neptune Beach

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented this is a reasonable request as a hardship is present.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 19-100015, as presented and discussed.

Ms. Osewalt amended the motion to include, "due to being a nonconforming lot," and the Board affirmed.

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

The motion was approved unanimously.

(C) Case Number: BOA 19-100017

Applicant/Owner: First Missionary Baptist Church
Agent: Thomas Ceaser, Trustee
Property Address: 810 South 3rd Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(3)c.1, for a front yard setback of 8.8 feet, in lieu of 20 feet required; 34-339(e)(3)c.3 for a rear yard setback of 19.5 feet in lieu of 30 feet required; and 34-377 for 0 on-site parking spaces, in lieu of 38 spaces required; all to allow for substantial improvements to an existing church; for property legally described as Lot 1, together with the East 25 feet of Lot 2, Block 39, *Pablo Beach*.

Agent: Thomas Ceasar, 12287 York Harbor Drive, Jacksonville, is requesting a variance to beautify and remodel his already-existing church, in addition to expanding it to include office spaces and classrooms within the limits of the property line. The land was grandfathered in as is, and the church is 108 years old. Mr. Truhlar inquired more about parking, and Ms. Ireland commented while parking on 3rd Avenue South is entirely in the right-of-way, it is paved and includes Americans with Disabilities Act (ADA) signs. The parking spaces on 8th street are partially into the property line, and there is no additional space to accommodate more parking.

Concerns regarding effects on the line-of-sight of the intersections were addressed by Mr. Moreland, to which the agent affirmed they would not become an issue. Discussion ensued regarding the availability of parking, especially on Sundays.

Public Hearing:

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

- Margaret Ceaser, 12287 York Harbor Drive, Jacksonville

The following spoke in favor of the variance request:

- James Bell, 2603 US 301 North, Baldwin, is the project manager in charge of remodeling the church. In response to parking concerns, he mentioned most churchgoers walk to the property.

Mr. Truhlar closed the public hearing.

Discussion:

Ms. Osewalt questioned whether granting a variance for the already-existing 22 parking spaces is something that can be done, to which Ms. Ireland responded everything exists as is, and any classroom and office space addition would not require more parking. Due to the parking spaces' odd placement, it is not clear whether they are part of the property.

Motion: It was moved by Mr. Moreland, and seconded by Ms. Osewalt, to approve BOA# 19-100017, as read and discussed, with the stipulation that they take responsibility for maintaining the parking spaces both on and off the property.

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

The motion was approved unanimously.

(D) Case Number: BOA 19-100018

Applicant: Garrison Construction
Owner: Tom Robert, GC Land Development, Inc.
Agent: Stephen B. Williams
Property Address: 3013 South 3rd Street

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.2, for 7 foot side yard setbacks, each, in lieu of 10 feet required; and 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 50% 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 construction of a new single-family dwelling, for property legally described as Lot 3, Block 21, *Atlantic Shores Replat Unit No. 1*.

Agent: Stephen B. Williams, 3731 Duval Drive, Jacksonville Beach, stated RS-1 zoning requires a lot minimum of 10,000 square feet and the lot in discussion is 5,832 square feet, which creates a hardship. Due to Florida A1A being immediately on the western border of the property and for the owner to successfully back out of the property into traffic, he is requesting a 20-foot setback. Mr. Williams also commented there are two lots to the south. Discussion among Board members ensued regarding adjacent properties. It was noted by Mr. Truhlar most of the driveway is not on the property. Ms. Osewalt questioned the agent whether the lot coverage can be reduced, and the agent responded 48% or 49% lot coverages are an option. The construction would be two stories.

Public Hearing:

The following spoke in opposition to the variance request:

- Tom Savage, 259 32nd Avenue South, Jacksonville Beach, stated there are three, not two, lots to the south of the property and added the applicant's inaction created some of the hardships the land possesses. He addressed lot divisions and the various ways the lot size can be reduced, like the elimination of the two-car parking, since a minimum of one is required by Code. He also added the two-foot variance is excessive and would create a hardship for himself, as it would be located nearer to his property.
- Joseph Ayers, 257 32nd Avenue South, Jacksonville Beach, reiterated the point the hardship was created by the agent and commented the rear yard setback could have been avoided.

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

- Margaret Savage, 259 32nd Avenue South, Jacksonville Beach

Mr. Williams stated the platted lot in the discussion is Lot 3, which does not involve the other two lots and, therefore, the hardship is not created by the owner. He addressed drainage issues and added the two-story home would be a total of 2,000 square feet, and a two-car garage is an important feature. The Board recognized the owner has a nonconforming lot.

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Truhlar questioned whether a 2,000-foot house could be built, as it is considered small in its size, and Ms. Ireland responded RS-1 zone law states 1,600 square feet is the required minimum for constructions. Mr. Moreland addressed concerns regarding the two-foot setback request in the variance.

Motion:

It was moved by Ms. Osewalt, seconded by Mr. Cummings, to approve BOA# 19-100018, for sections 336-(e)(1)c.2, for 7 foot side yard setbacks, in lieu of 10 feet required; and 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 49% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property legally described as Lot 3, Block 21, as shown on map of *Atlantic Shores Replat Unit No. 1*.

Discussion ensued regarding driving safety and the two-foot setback request.

Mr. Moreland amended the motion:

Amended Motion:

It was moved by Mr. Moreland, to approve BOA# 19-100018, for sections 34-336(e)(1)c.2, for 7 foot side yard setbacks, in lieu of 10 feet required; and 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 48% lot coverage; and 34-373(d), for a parking area setback of 3 feet, in lieu of 5 feet required; to allow construction of a new single-family dwelling, for property legally described as Lot 3, Block 21, as shown on map of *Atlantic Shores Replat Unit No. 1*

Motion failed due to the lack of a second vote. Mr. Cummings amended the motion, again:

Amended Motion:

It was moved by Mr. Cummings, seconded by Ms. Osewalt, to approve BOA# 19-100018, for sections 34-336(e)(1)c.2, for 7 foot side yard setbacks, each, in lieu of 10 feet required; and 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 48% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property legally described as Lot 3, Block 21, as shown on map of *Atlantic Shores Replat Unit No. 1*

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

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

PLANNING DEPARTMENT REPORT

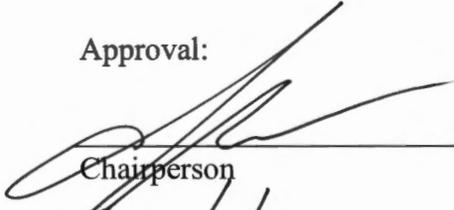
The next scheduled meeting is **Tuesday, April 2, 2019**. There are four (4) scheduled case.

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

5/7/19
Date