

**Minutes of Board of Adjustment Meeting
held Tuesday, April 2, 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: Gary Cater

Building Official George Knight 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:

- March 5th, 2019

CORRESPONDENCE: *None*

OLD BUSINESS: *None*

NEW BUSINESS:

(A) Case Number: BOA 19-100020

Owner/Applicant: Jessica Morris
Property Address: 3881 Poincianna Boulevard

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e., for 43.5% lot coverage, in lieu of 35% maximum; to allow for a pool and paver patio addition to an existing single-family dwelling, for property legally described as Lot 18, Block 8, *Ocean Terrace*.

Owner: Jessica Morris stated her undersized lot is her hardship. The lot is currently at 35% lot coverage. The previous variance granted for this property did not request increased lot coverage. Ms. Morris purchased the house after it was finished. Discussion ensued among Board members regarding the setbacks of the home, and all agreed the lot is undersized.

Public Hearing:

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

Discussion:

There was no discussion among Board members regarding this case.

Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve BOA# 19-100020, as written and discussed.

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

The motion was approved unanimously.

(B) Case Number: BOA 19-100023

Owner/Applicant: Rick Woods; ACW Holdings

Agent: Maxwell Mayes

Property Address: 745 Penman Road

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)e., for lot coverage of 41% in lieu of 35% maximum; to allow construction of a new single-family dwelling, on lot 11, for property legally described as Lots 10 and 11, Block 11, *Pine Grove Unit 2*.

Agent: Maxwell Mayes, 1304 1st Street South, Jacksonville Beach, stated he has a hardship because the lot is 7,100 square feet. The minimum requirement for an RS-1 zone is 10,000 square feet. He is planning to build four houses on two parcels of land, two of which would require variances. Board members understood he is applying for these two variances in BOA 19-100023 and BOA 19-100024. The agent met with Street Superintendent David McDonald from the City's Public Works Department to discuss the design of the driveway in order to have the least effect on drainage.

Public Hearing:

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

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented this is an undersized lot and the request is reasonable.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 19-100023, as presented and discussed.

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

The motion was approved unanimously.

(C) Case Number: BOA 19-100024

Owner/Applicant: Rick Woods; ACW Holdings

Agent: Maxwell Mayes

Property Address: 815 Penman Road

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1, for a front yard setback of 21 feet, in lieu of 25 feet required; and 34-336(e)(1)c.3 for a rear yard setback of 29 feet in lieu of 30 feet required; and 34-336(e)(1)e., for 41.5% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property legally described as Lots 15 and 16, Block 11, *Pine Grove Unit 2*.

Agent: Maxwell Mayes, 1304 1st Street South, Jacksonville Beach, stated he has a hardship because the lot is 7,100 square feet. The minimum requirement for an RS-1 zone is 10,000 square feet. He is planning on building a house that would match the streetscape of Penman Road. Drainage issues were addressed by Mr. Truhlar, and the agent stated he discussed the ditch and the design of the driveway with Mr. McDonald from the City's Public Works Department to help with any issues. The garage would fit two cars.

Public Hearing:

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

Discussion:

Mr. Moreland commented this variance and the previous variance (BOA 19-100023) are similar.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 19-100024, as presented and discussed.

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

The motion was approved unanimously.

(D) Case Number: BOA 19-100025

Owner/Applicant: Cinthia F. Lang
Agent: Ognjen Vojnovic
Property Address: 39 South 25th 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 westerly yard setback of 5 feet, in lieu of 10 feet required; and 34-336(e)(1)e., for 50% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling for property legally described as Lot 9, Block 6, *Replat DIV A Atlantic Shores*.

Agent: Ognjen Vojnovic, 13021 Yellow Star Lane North, Jacksonville, first addressed the previous variance application for the lot that was denied by the Board. He explained the variance lot coverage request was too high (around 68% lot coverage), and he was able to reduce the request to 50% in this application. Mr. Vojnovic reduced the lot coverage to exactly 49.85% by using gravel and

changing the overall design of the new construction and its driveway. There would be a detached garage.

Ms. Osewalt questioned the need for two garages as they add to the lot coverage, stating the Board rarely approves 50% lot coverage requests. Owner Cinthia F. Lang approached the Board to respond. She explained she works from home and needs the second garage for storage and extra space, and Mr. Vojnovic added even without the detached garage, a minimum of 45% lot coverage would still be needed. Mr. Truhlar commented the garage challenges the hardships of the land, as it adds the request of the five-foot setback and, as Ms. Osewalt has stated, factors in the increased lot coverage. Mr. Moreland reiterated Mr. Truhlar's comments.

Ms. Osewalt explained the location of the garage would create a severe drainage issue. Ms. Lang stated in response prior to purchasing the property, she questioned the previous owners about drainage and was presented records indicating no flooding has ever occurred in the area. Mr. Vojnovic commented even if the issue were to exist, he would consult with a civil engineer to alleviate it.

The Board reiterated the point it is difficult to approve 50% lot coverage requests. Mr. Knight commented the lot coverage in the proposed site plan is 49.8% and not 50%. Mr. Vojnovic and Ms. Lang stated they are open to accommodating with a lot coverage percentage the Board finds reasonable, to which Ms. Osewalt stated it must be the minimum necessary for land use. Mr. Cater proposed removing the sidewalk, as that would reduce the lot coverage by 1%, and Mr. Knight added it could be done by replacing it with gravel.

Public Hearing:

Mr. Reddington acknowledged an email received by the Board from James Cooper [*on file*], owner of the property directly to the south on 34th Avenue, who is opposed to the variance request.

The following spoke in opposition to the variance request:

- Larry N. Ponder, 50 35th Avenue South, Jacksonville Beach, stated while he is not against the variance requests, he is concerned with how they would impact flooding.

Mr. Vojnovic stated the Board previously acknowledged the flooding is a City problem, and one lot cannot impact the entire neighborhood in regard to flooding. It was understood the total area of the home would be about 4,500 square feet. Ms. Lang added she is open to eliminating the detached garage and including it in the footprint of the home, which would reduce the lot coverage.

Mr. Truhlar closed the public hearing.

Discussion:

There was no discussion among Board members regarding this case.

Motion:

It was moved by Ms. Osewalt to approve BOA# 19-100025, as presented and discussed, for everything but 50% lot coverage, and make it 45% lot coverage because that is not the granting of the variance that they requested, it is not the minimum that will make possible the reasonable use of the land.

Mr. Truhlar questioned what the lot size would be with 45% lot coverage. Mr. Knight commented the lot coverage would be 30% if the lot was the 10,000 square foot minimum, if RS-1 zone regulations were applied.

The motion failed due to the lack of a second.

After discussion, Board members understood the five-foot setback request is for only the westerly side of the home.

Motion: It was moved by Mr. Moreland, seconded by Mr. Reddington, to approve BOA# 19-100025, as presented and discussed, with the exception that it be 47.5% lot coverage, in lieu of the 50% as requested.

Mr. Cummings commented he is not in favor of the long gravel strip on the easterly side of the home.

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

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

PLANNING DEPARTMENT REPORT

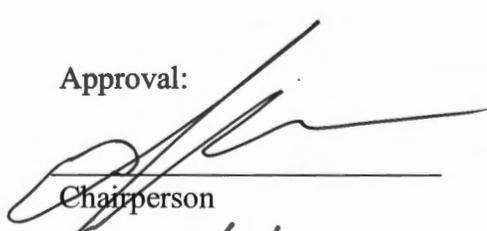
The next scheduled meeting is **Tuesday, April 16, 2019**. There are four (4) scheduled cases.

ADJOURNMENT

There being no further business coming before the Board, Mr. Reddington adjourned the meeting at 7:50 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:



Chairperson

5/7/19

Date