

lot coverage amount instead of the 47% he requested on his application. Mr. Knight responded the calculations submitted for 47% included the surface of the pool and Jacksonville Beach does not count the surface so it was deducted. Mr. Johnston distributed copies of the design of the house; a signed petition; Board of Adjustment variance approval letters for properties located at 3510 and 3528 South Ocean Drive; in addition to survey maps of adjacent northerly and southerly properties [*on file*], in order to distinguish the discussed lot, note consistency with the adjacent lots, and explain his setback requests. The current property address (3510 South Ocean Drive) was a double lot; there were two previous variance requests for this property address, one of which was approved, while the other was denied. While there are two lots currently at 3510 South Ocean Drive, one will later be recorded as 3518 South Ocean Drive as granted by the City of Jacksonville. The lot in this application will soon have the address 3518 South Ocean Drive, Jacksonville Beach. It is a 53-foot-wide lot in RS-1 zoning.

Mr. Johnston referred to the home design attachment and explained how it was drawn to compliment the neighborhood and the adjacent homes within it. He has spoken to the residents living in adjacent properties and asked them to sign the petition in the attachment showing their approval of the variance. Ms. Osewalt commented the lot is definitely undersized. Mr. Truhlar asked about the adjacent lots' size to help compare, and the agent stated they are larger.

Public Hearing:

Mr. Reddington read into the record the addresses of the neighbors in the signed petition who are supportive of this variance request:

- 3601 Ocean Drive South
- 3625 Ocean Drive South
- 3626 Ocean Drive South
- 3604 Ocean Drive South
- 52 36th Avenue South
- 39 36th Avenue South
- 3528 Ocean Drive South

The following resident spoke in opposition of the variance request:

- Frederick Irving, 3515 South Ocean Drive, Jacksonville Beach, spoke about his concerns regarding the impact of the setback requests and landscaping. Mr. Irving has also submitted his opposition in writing [*on file*].

Mr. Johnston commented the driveway was designed to be J-shaped with a side entry to the garage, which would allow parking for a total of six cars without impacting the neighborhood. Ms. Osewalt asked about approval from neighbors residing in the adjacent backside property to the home. Mr. Johnston responded it is a fenced property belonging to Mr. Divine, who has signed the petition in support.

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Reddington commented he does not agree with the 19-foot setback and believes the house is large. Mr. Moreland stated the 19-foot setback pertains only to the northeast corner, and the side

yard setbacks are substandard in regard to the midline of the building point. He recognized the applicant's efforts to abide by the Board's comments from the last variance application.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 18-100224, as presented and discussed.

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 19-100031

Owner/Applicant: Benjamin and Brooke Holway

Property Address: 240 south 40th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e., for 49.4% lot coverage, in lieu of 35% maximum; and 34-336(e)(1)g., for an accessory structure setback of 2 feet, in lieu of 5 feet required (from rear property line), to allow a pool and paver patio addition to an existing single-family dwelling, for property legally described as West ½ of Lot 4, and all of Lot 5, Block 1, *Avalon Unit No. 2*.

Owner: Benjamin Holway identified having a substandard lot as his hardship. His lot is 7,650 square feet, while the minimum for RS-1 zone is 10,000 square feet. He referred to BOA #11-100066 and BOA #17-100124 as applications that facilitated the approval of approximately 50% lot coverage for 20 lots in the same neighborhood. Mr. Truhlar commented each case has to be reviewed independently. Mr. Holway asked the board to not consider the oversized pavers around the pool shown on the survey as that was an error, and stated he noted on the survey the paver area which is not included. The current lot coverage is 39.8%, and he already received approval for approximately 42% lot coverage in a previous variance.

Mr. Truhlar commented a 2-foot proximity to the property line is unusual, and the owner replied he is intending to build a pool fence with this setback request. The pool extends 7.5 feet from the side of the house. If the Board was to amend the coverage to achieve the 10,000 square foot minimum lot size, then it would have to grant 37.9% lot coverage, according to Mr. Moreland. There is an already-existing 253 square foot decking located under the roof of the home and a proposed 289 square foot decking located adjacent to it. Discussion ensued among Board members regarding lot coverage. Mr. Cummings commented it is difficult to grant the 2-foot variance due to the future complications it may cause with adjacent neighbors.

Public Hearing:

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

Mr. Truhlar closed the public hearing.

Discussion:

Board agreed it is not in favor of the 2-foot setback request.

Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve BOA# 19-100031, with the modifications for 48% lot coverage, in lieu of 35%, and for 4 feet for an accessory structure setback, in lieu of 5, to allow a pool and paver patio addition to an existing single-family dwelling as presented and discussed.

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

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

(C) Case Number: BOA 19-100032

Owner/Applicant: City of Jacksonville Beach
Agent: Jason Phitides
Property Address: 216 and 218 South 16th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-340(3)g., for an accessory structure setback of 1 foot, in lieu of 5 feet required; to allow the construction of a tennis court, for property legally described as *"Huguenot Park" part of Permenter's Replat and Atlantic Camp Grounds.*

Agent: Jason Phitides, City of Jacksonville Beach Parks and Recreation, 2508 South Beach Parkway, stated Huguenot Tennis Center currently has seven tennis courts and a typical tennis complex has a minimum of eight. A variance is required to construct a new tennis court due to high demand. Over the past two years, the average number of players has increased from an average of 1,300 players per month 1,500 players. The City Council already approved construction of the project.

Public Hearing:

The following was in favor of the variance request:

- Harry Royal, 225 33rd Avenue South, Jacksonville Beach

The following was opposed to the proposed variance request:

- Dan Elmaleh, 1879 South 1st Street, Jacksonville Beach, expressed safety and noise concerns

Mr. Truhlar closed the public hearing.

Discussion:

Discussion ensued regarding the usage of the courts. Mr. Moreland stated he cannot find a hardship created by the land. Board agreed.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to deny BOA# 19-100032, as presented and discussed, because of the fact there is already reasonable use of the land without the variance, it would result in special conditions if approved.

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 19-100033

Owner/Applicant: Peter Hill
Property Address: 1816 North 2nd Street

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)f., for 46.6% lot coverage, in lieu of 35% maximum; and section 34-373(d) for 2.5 foot parking area setback, in lieu of 5 feet required; to allow subdividing a new two-family dwelling, for property legally located at 1816 North 2nd Street and legally described as Lot 12, Block 183 of *Elton Realty Company's Replat.*

Agent: Peter Hill, 1816 North 2nd Street, Jacksonville Beach, explained he currently has a duplex on one lot. He wants to separate the lot into two in order to sell half of the duplex and live in the other. When the property is divided into two lots, the structure itself will be on the property line. Mr. Knight commented main structures are allowed to be on the property line, accessory structures are not. The lot is currently 5,748 square feet with 52 feet across front, and the minimum required according to Code is 6,000 square feet with 60 feet across the front. He was granted 40% lot coverage in a previous variance request. The 6% difference is for replacing the gravel strips in an approved driveway with concrete.

Public Hearing:

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

Discussion:

The Board agreed this is common and has no problem approving the variance request.

Motion: It was moved by Mr. Reddington, seconded by Mr. Moreland, to approve BOA# 19-100033, as written and as read.

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.

PLANNING DEPARTMENT REPORT

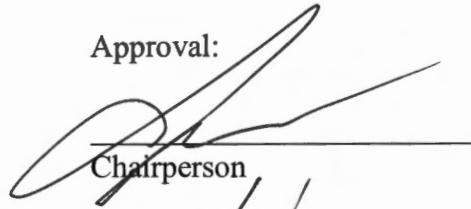
The next scheduled meeting is **Tuesday, May 7, 2019**. There are four (4) scheduled case.

ADJOURNMENT

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:15 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:



Chairperson

5/21/2019

Date