

Minutes of Board of Adjustment Meeting
held Tuesday, June 4, 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 and Acting City Attorney Denise May were also present.

EX-PARTE COMMUNICATION: *None*

APPROVAL OF MINUTES: *None*

CORRESPONDENCE: *None*

OLD BUSINESS: *None*

NEW BUSINESS:

(A) Case Number: BOA 19-100055

Owner/Applicant: DSM Renovations, LLC
Property Address: 926 Barbara Lane

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.2., for a corner side yard setback of 15 feet, in lieu of 17.2 feet required; and for 34-336(e)(1)c.3., for a rear yard setback of 20 feet, in lieu of 25 feet required; and 34-336(e)(1)e., for 41% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property legally described as part of Lot 6, Block 10, *Beach Homesites, Unit 2*.

Agent: Ben Broadfoot, 1083 North 17th Street, Jacksonville Beach, explained since the property is a corner lot, it is hard to construct a single-story home within the code limits. A single story home is preferable and in-keeping with the neighborhood. The home size is 2,780 square feet, and the lot is 8,791 square feet. The lot is considered substandard in an RS-1 zone. Mr. Broadfoot was questioned on the necessity of the setback requests in the variance. He stated the side yard setbacks are due to the shape of the lot (corner lot). The rear setback request is for a covered, screened patio. There is a right-of-way on both 10th Street North and Barbara Lane. The home would be facing Barbara Street.

Public Hearing:

The following spoke in favor of the variance application:

- Mary Phillips, 934 10th Street North, Jacksonville Beach

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented he appreciates the effort to maintain the construction as single-story. If the lot were to follow RS-1 requirements of a 10,000 square-foot minimum size, then the lot coverage would reach approximately 36%. Board agreed this is a reasonable request.

Motion: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve BOA# 19-100055, 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 19-100057

Owner/Applicant: Ernesto A. Florig
Property Address: 678 South 7th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e., for 43.3% lot coverage, in lieu of 35% maximum; and 34-337(e)(1)g., for an accessory structure setback of 3 feet, in lieu of 5 feet required; to allow for construction of a storage shed; for property legally described as Lot 12, Block 7, *Oceanside Park*.

Agent: Mr. Florig and his wife, Kathy, approached the Board. Mr. Florig commented he lives on a corner lot and would like to place a shed for storage. For hurricane preparation, he and his wife want to secure their outdoor belongings. The shed would be 10 ft. x 16 ft., and the existing lot coverage today is 40%. The shed would add 3.3% to the existing lot coverage. The house was constructed 25 years ago, and they did not make any changes. Ms. Osewalt asked if Mr. Florig can build the shed five feet from the property line, and he stated he could.

Public Hearing:

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

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented this is a substandard RS-2 lot, which requires a minimum size of 7,500 square feet. He added there is no need for the shed variance.

Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve BOA# 19-100057; as written and discussed; for section 34-337(e)(1)e., for 43.3% lot coverage, in lieu of 35% maximum, only.

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

The motion was approved unanimously.

CITY ATTORNEY

Ms. May approached the Board to discuss the Rules of Procedure handout [*on file*] that was distributed to Board members at the May 21, 2019 meeting. She added there are no substantial changes to what the Board is already doing. Ms. May stated since this is a quasi-judicial Board, all public testimony, including the applicant(s), must be under oath. The recording clerk is responsible for swearing-in the applicants and anyone who plans to give testimony. There would be an oath statement on the speaker cards for those who do not wish to address the Board but fill them out. If the speakers refuse to take the oath, then they would still be able to speak, but their testimony would be weighed. The weight of all evidence is determined by the Board.

Public hearing time limits were discussed. In order to run an efficient meeting, the Board can elect to limit public comment to a three-minute time limit or allow them to continue if they are providing substantial and new evidence. Disclosure of ex-parte communication was also discussed. Ms. May commented the Board can choose to disclose ex-parte either at the beginning of the meetings, as it does so now, or at the beginning of each case. Ex-parte should include subject and substance.

Competent and substantial evidence must be factual knowledge, not opinion or speculation. An example of common speculation this Board hears is related to there not being enough parking. Unless there is substantial evidence, like traffic flow studies, the evidence is considered speculative. Ms. Osewalt questioned the necessity for providing evidence for reasons of approval and rejections. Ms. May commented the applications could be disagreed upon by a third-party that is not necessarily an applicant and added this Board correctly states reasons for approving or rejecting applications in discussions.

Ethics training was brought up. Ms. May stated it is not required by law for this Board. She stated she prefers to meet individually with board members and cover the topics of gifting, ethics, Sunshine Law, Public Records, and variance law. Mr. Truhlar asked about the protection members are granted by the City since they are considered its agent, and Ms. May commented individual liability is rarely found in comparison to qualified immunity. The process of making motions was discussed, and the confusion was addressed related to motions made in the negative, in addition to what the “yes” and “no” votes mean in these cases. Ms. May stated she counsels against making motions in the negative. Further discussion ensued on the procedure of making motions, amendments, and roll call votes.

Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve the Rules of Procedure, as presented and discussed.

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

The motion was approved unanimously.

PLANNING DEPARTMENT REPORT

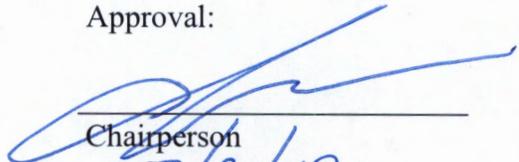
The next scheduled meeting is **Tuesday, June 18, 2019**. There are five (5) scheduled case. Mr. Truhlar advised he would not be in attendance at the meeting.

ADJOURNMENT

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 7:40 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:



Chairperson

Date

7/2/19