



**Minutes of Board of Adjustment Meeting
held Tuesday, July 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.

OATH OF OFFICE

Dan Janson was sworn in as the First Alternate to the Board of Adjustment by City Clerk Laurie Scott.

ROLL CALL

Chairperson: Jeff Truhlar
Vice-Chairperson: Francis Reddington
Board Members: Scott Cummings Sylvia Osewalt (*absent*) John Moreland
Alternates: Dan Janson Gary Cater

Building Official George Knight was also present.

EX-PARTE COMMUNICATION: *None*

APPROVAL OF MINUTES:

The following minutes were unanimously approved:

- June 4, 2019

CORRESPONDENCE: *None*

NEW BUSINESS:

(A) Case Number: BOA 19-100056

Applicant: Russell T. Cox, Jr.
Agent: Russell T. Cox, Sr.
Owner: Cox Development group
Property Address: 834 8th Avenue North
Legal Description: West 10 feet of Lot 5 and all of Lot 6, Block 89, *Pablo Beach Improvement Company's Replat of Part of the Northern Portion of Pablo Beach S/D*

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e, for 42% lot coverage in lieu of 35% maximum and 34-373(f), for a gravel driveway in lieu of paved to allow for construction of a new single-family dwelling

Agent: Russell T. Cox Sr., 1617 Tayo Lane, Jacksonville, stated the width of the lot in discussion is 60 feet, whereas the minimum required for RS-2 zoning is 75 feet, which creates a hardship. Mr. Truhlar added an RS-2 zone requires a 7,500 square-foot lot size minimum. RS-2 zoning also makes

no requirements for the length of the lot. Mr. Cox commented there is a 10-foot easement behind the property and added he made alterations to the property to reduce the variance request, like the installation of decorative stone. He stated the lot coverage would be approximately 45% if pavers were to remain instead of gravel. The house has been vacant for a year and he was not able to speak to any neighbors. Due to family-related reasons, the house would also be ADA-compliant.

Public Hearing:

After being sworn in, the following spoke in favor of the variance application:

- Luanne Lentz, 831 7th Avenue North, Jacksonville Beach
- Rick Knight, 827 8th Avenue North, Jacksonville Beach

Mr. Cox commented the initial plan is to have stairs in the middle of the house leading to a bonus room in explanation of the meaning behind the 1 ½ story home. The pool decking in the proposal is considered part of the lot coverage.

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented he has concerns regarding the variance not specifically addressing the width of the lot, as it does not address the hardship of the lot. Mr. Cumming added he is concerned about the gravel driveway. Both concerns were addressing the verbiage of the variance request.

Motion: It was moved by Mr. Moreland, seconded by Mr. Reddington, to reject BOA# 19-100056, as written and discussed, based on the fact a hardship has not been met.

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

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

(B) Case Number: BOA 19-100071, 19-100072, 19-100073, and 19-100074

Applicant: Atkins Builders, Inc.
Agent: John Atkins
Owner: Michael Meuse
Property Address: 432 4th Avenue North
Legal Description: Lots 5 and 6, Block 45, *Atlantic Park S/D*

City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(4)c.2, for a side and corner-side yard setback of 7.5 feet in lieu of 10 feet required; 34-339(e)(4)c.3, for a rear yard setback of 20 feet in lieu of 30 feet required; and 34-339(e)(4)h, for accessory structure (sidewalk) setbacks of 1 foot in lieu of 5 feet required to allow for construction of a four-unit townhouse structure

Agent: John Atkins, 786 North 2nd Street, Jacksonville Beach, after being sworn in, stated the lot in discussion is undersized in depth and denying this application's literal interpretation would deny the land owner the rights granted to other parcels in the same zoning district. Each lot size is 100 feet x

125 feet and there are two. The front side of the lot would be facing 5th Street. This project is a replica of the properties across from it which are also built by Atkins Builders, Inc. This variance would enable him to build two-car garages for the proposed townhouses.

Mr. Atkins commented most of the neighbors are in favor of this variance. It was clarified the one-foot setback request is for the internal walkways. If the properties were to remain facing 4th Avenue, then the construction of two-car garages would not be possible. Further discussion ensued on the differences in the request if the property was to remain facing 4th Avenue North.

Public Hearing:

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

- Mackenzie Robinson, 406 3rd Avenue North, Jacksonville Beach
- Todd Robinson, 406 3rd Avenue North, Jacksonville Beach
- Greg Vardell, 324 5th Street North, Jacksonville Beach
- Leeann Heck, 430 5th Street North, Jacksonville Beach
- Mike Meuse, 185 Wilderness Trail South, Ponte Vedra Beach
- Samuel Hall Jr., 404 3rd Avenue North, Jacksonville Beach
- Scott Reid, 460 5th Street North, Jacksonville Beach
- David and Amelia Claiser, 490 5th Street North, Jacksonville Beach
- Heather Dienhart, 440 5th Street North, Jacksonville Beach
- Kathleen Newcombe, 480 5th Street North, Jacksonville Beach

After being sworn in, the following spoke in favor of the variance application:

- Michelle Dunavant, 503 4th Avenue North, Jacksonville Beach
- Leah Hudson, 404 3rd Avenue North, Jacksonville Beach
- Pete Goody, 420 5th Street North, Jacksonville Beach

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

- Jack Whisenhunt, 421 3rd Avenue North, Jacksonville Beach
- Jenette and Fred Catter, 422/424 4th Avenue North, Jacksonville Beach

The following sent a letter in support of the variance application:

- Katie Hayse, 470 North 5th Street, Jacksonville Beach

Mr. Atkins addressed some concerns. The air conditioning units would be placed on the side of the buildings, and not in the back, to reduce any noise disturbance. There would also be a six-foot privacy fence around the property. Drainage would be reviewed by the City's Planning and Development department to address and prevent any future issues. Discussion regarding sidewalks ensued between the Board and Mr. Atkins.

Mr. Truhlar closed the public hearing.

Discussion:

The Board also expressed approval of Mr. Atkins's decision to turn the property to face 5th Street North. Mr. Knight commented the proposed project is multiple single-family dwelling, and not multi-family.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA# 19-100071, 19-100072, 19-100073, and 19-100074, as written and discussed

Roll Call Vote: Ayes—John Moreland, Dan Janson, and Jeff Truhlar
Nay— Francis Reddington, Scott Cummings

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

(C) Case Number: BOA 19-100081

Applicant: David A. Myers
Owner: Gregory A. Krehel
Property Address: 10 36th Avenue South
Legal Description: Lot 9, Block 2, *Atlantic Shores Ocean Front Section Division 'A' S/D*

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 45% lot coverage in lieu of 35% maximum to allow for construction of a new single-family dwelling.

Agent: David Myers, 32 32nd Avenue South, Jacksonville Beach, stated the 50 foot x 125 foot lot is undersized. The Board agreed. He has spoken to the majority of the neighbors and all are approving of the variance request. The backside neighbors are not being affected and were not spoken to. Constructing a pool is a possibility, but the plans are not finalized.

Public Hearing:

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

Discussion:

The Board agreed the lot is undersized with an approximately 28% lot coverage. Mr. Truhlar questioned if air conditioning pads are considered accessory structures, and Mr. Knight replied air conditioning pads are allowed to encroach a maximum of three feet in any required setback.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 19-100081, as written and discussed.

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

The motion was approved unanimously.

(D) Case Number: BOA 19-100085

Applicant/Owner: Laurel Richardson
Property Address: 1665 Upper 4th Avenue North
Legal Description: Lot 25, Block 6, *Pine Grove – Unit No. 4 S/D*

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e, for 40% lot coverage in lieu of 35% maximum to allow for a paver and patio addition to an existing single-family dwelling.

Agent: Frank Subjinski, 229 33rd Avenue South, Jacksonville Beach, and Laurel Richardson, 1665 Upper 4th Avenue North, Jacksonville Beach, approached the Board to discuss the case. Mr. Subjinski stated the lot is under the 7,000 square-foot minimum required by RS-1 zoning and identified this as his hardship. Lot coverage was discussed. The applicant originally requested 43% lot coverage. Mr. Knight commented according to Senior Planer Heather Ireland, the correct coverage request is 40%.

Public Hearing:

After being sworn in, the following spoke in favor of the variance application:

- Bruce Dickinson, 1729 Upper 4th Avenue North, Jacksonville Beach
- Neil Saggese, 1696 5th Avenue North, Jacksonville Beach

The following was in favor of the variance application, but preferred not to speak:

- Jill Blanks, 1696 5th Avenue North, Jacksonville Beach

Mr. Truhlar closed the public hearing.

Discussion:

Board agreed this is an acceptable request and a hardship was presented.

Motion: It was moved by Mr. Cummings, seconded by Mr. Janson, to approve BOA# 19-100085, as written and discussed.

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

The motion was approved unanimously.

(E) Case Number: BOA 19-100086

Applicant/Owner: Gary Salvador
Agent: Chris May
Property Address: 726 11th Avenue South
Legal Description: Lot 4, Block 118, *Oceanside Park S/D*

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)e, for 47% lot coverage in lieu of 35% maximum to allow for a pool and paver patio addition to an existing single-family dwelling

Agent: Chris May, 12864 Southern Hills Circle East, Jacksonville, and Gary Salvador, 726 11th Avenue South, approached the Board and stated the current lot has a 50-foot width in RS-3 zoning, and Code requires a 60-foot width minimum. Mr. Moreland questioned why a lot coverage increase was requested if the issue is with the width of the property. He followed the lot coverage is already over the minimum required for RS-3 zone and there are pavers surrounding the pool area. A screen would be covering the pool and decking surrounding the pool. The current lot coverage is 37%, and the size of the pool is 14 feet x 28 feet. Mr. Cummings agreed with Mr. Moreland about unnecessary paver placement based on the width causing the hardship.

Public Hearing:

The following spoke in favor of the variance application:

- Gary Carlee, 1129 Sebage Avenue South, Jacksonville Beach
- Neil Saggese, 1696 5th Avenue North, Jacksonville Beach

The following was in favor of the variance application, but preferred not to speak:

- Jill Blanks, 1696 5th Avenue North, Jacksonville Beach

The following spoke in opposition to the variance application:

- Catherine Sumner, 632 11th Avenue South, Jacksonville Beach

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

- Mary Joura, 636 11th Avenue South, Jacksonville Beach

Mr. Knight corrected the request and stated according to Ms. Ireland, the lot coverage request is for 46%.

Gary Salvador commented there is only one adjacent neighbor, the Fabrega family, who submitted a letter of support of the variance request and sent it to the Board in email form and added the neighbor across the street is also supportive of the variance. He commented there have been no drainage issues in the past. Survey clarifications were discussed in regard to pool area dimensions, and it was understood the surrounding decking is five feet on each side.

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented there is no land hardship present. Mr. Truhlar concluded 1% of lot coverage equals 62 square feet in lot size.

Motion:

It was moved by Mr. Moreland, seconded by Mr. Reddington, to disapprove BOA# 19-100086, as written and discussed, based on the fact a hardship has not been met.

Roll Call Vote:

Ayes– John Moreland, Francis Reddington, Dan Janson, and Jeff Truhlar
Nays– Scott Cummings

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

PLANNING DEPARTMENT REPORT

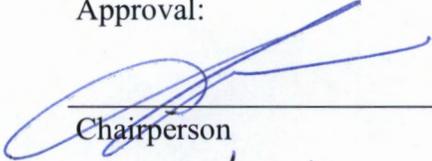
The next scheduled meeting is **Tuesday, July 16, 2019**. There are five (5) scheduled case.

ADJOURNMENT

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:20 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:



Chairperson

8/6/19

Date