

**Minutes of Board of Adjustment Meeting
held Tuesday, July 16, 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 (*absent*) John Moreland
Alternates: Dan Janson

Building Official George Knight was also present.

EX-PARTE COMMUNICATION: *None*

APPROVAL OF MINUTES:

The following minutes were unanimously approved:

- June 18, 2019

CORRESPONDENCE: *None*

NEW BUSINESS:

(A) Case Number: BOA 19-10091

Applicant/Owner: Virginia and Graydon Mabry
Property Address: 3015 Ocean Drive South
Legal Description: Lot 3, Block 1, *Atlantic Shores Ocean Front Section-Division B*

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.2, for side yard setbacks of 7 feet in lieu of 10 feet required, and 34-336(e)(1)e, for lot coverage of 49% in lieu of 35% maximum to allow for construction of a new single-family dwelling.

Agent: Mark Macco, 3535 1st Street South, Jacksonville Beach, would be representing the applicant of this case. He stated the lot is nonconforming, and he is requesting for a 7-foot setback on each side. He added this is the case with the property's neighboring homes in the Atlantic Shores

subdivision. He is constructing a contemporary home that would complement other properties in the neighborhood. The property would have nine parking spaces, including the garage spaces.

Public Hearing:

The following spoke in favor of the variance application:

- Robert Grovenstein, 3007 Ocean Drive South, Jacksonville Beach

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented this is clearly a substandard lot when considering lot size and building lines. Mr. Cummings commented the side yard setback request is adequate for City standards.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 19-100091, as written and discussed

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

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

(B) Case Number: BOA 19-100093

Applicant/Owner: Sean Shapiro
Property Address: 1745 Pullian Street
Legal Description: Lots 7 and 8, Block 4, *Williams Coastal Boulevard Heights S/D*

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e, for lot coverage of 43.6% in lieu of 35% maximum and 34-337(e)(1)g, for an accessory structure (walkway) setback of 3 feet in lieu of 5 feet required to allow for a pool with paver patio and walkway addition to an existing single-family dwelling.

Applicant: Sean Shapiro, 1745 Pullian Street, Jacksonville Beach, stated he has a nonconforming 50-foot-wide lot. Mr. Truhlar asked if the paver sidewalk on the survey is already-existing; Mr. Shapiro replied it is not. Mr. Shapiro stated he originally applied for 45% lot coverage after he applied exact math and added the 43.6% in the variance was a draft calculation. He did not take into account the pad for the equipment would be the buffer percentage reaching 45% lot coverage. The Board commented it could not raise a lot coverage request. Discussion ensued, and the applicant was advised he could withdraw the application if he wanted. The applicant stated he would move forward with the 43.6% lot coverage request.

Mr. Shapiro stated he is asking for minimal pavers around the pool. A spa would be built into the pool area. His initial intention was to add another pad at the northeast corner of the existing house

for the placement of equipment. The accessory structure is the paved walkway. There is a 10-foot distance between the porch and the pool, and in the backside area of the pool as well. The walkway on the northside of the lot is a 4-foot area that allows pool access. Mr. Shaprio commented he has spoken to his neighbors, and they support the project.

Public Hearing:

None one came forward to speak regarding this case.
Mr. Truhlar closed the public hearing.

Discussion:

The lot in discussion is 7,625 feet square. Mr. Cummings stated he is concerned about the placement of pavers. Mr. Moreland commented his issue is the building width is undersized, but the lot coverage is not. Board agreed this is a reasonable request.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 19-100093 as presented and discussed.

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

The motion was approved unanimously.

(C) Case Number: BOA 19-100094

Applicant/Owner: Dannean Hetzel
Property Address: 3963 America Avenue
Legal Description: Lot 17, together with the west ½ closed alley east of and adjacent thereto, Block 16, *Ocean Terrace*

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e, for lot coverage of 49% in lieu of 35% maximum to allow for the addition of a pool and paver patio to an existing single-family dwelling.

Agent: Bob Hamil, 725 McCollum Circle, Neptune Beach, and owner Dannean Hetzel, 3963 America Avenue, Jacksonville Beach, both approached the Board to discuss this case. Mr. Hamil stated the lot is undersized. It is 7,000 square feet, and the minimum required by RS-1 zone law is 10,000 square feet. Mr. Hamil pointed to the presentation [on file] to explain where he is planning on adding the pool and paver patio. The pavers would be comprised of 382 square feet, and the equipment pad would be 3x5 square feet. There is eight-feet between the pool and the pavers. Ms. Hetzel has spoken with her neighbors, and they are fully approving of the variance.

Public Hearing:

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

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Moreland commented if this were a standard lot, its coverage would be 33.25%. Mr. Reddington commented he has an issue granting 49% lot coverage.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA# 19-100094, 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 19-100096 and BOA 19-100097

Applicant: MaliVai Washington
Owner: Diamond Life Real Estate, Inc. (MaliVai Washington)
Property Address: 629 4th Avenue South
Legal Description: Lot 8, Block 37, *Pablo Beach South*

City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(1)f, for 36% lot coverage in lieu of 35% maximum to allow for construction of a new two-family dwelling.

Agent: MaliVai Washington, 554 Jacksonville Drive, Jacksonville Beach, stated the plan for this lot allowed for a one-parcel duplex. He noticed while he was completing a preliminary review of the initial plan for construction of two townhomes, the driveways were not five feet from the center line as required by code. In finding a solution for the issue, he has decided to shift the construction off the property line to avoid the request for setbacks, but this has consequently caused an increase in lot coverage by 1%.

The plan shows a one-car garage. Each driveway is five feet from the property line. Mr. Washington spoke to the neighbors to the immediate west, and the other two lots to the east, and he has not received any negative comments. The owners originally wanted to build a single-family home, but it was not feasible, so they decided to build townhomes to conform closely to the neighborhood. When asked if the lot to the east needed this same variance, Mr. Washington stated it does, but it was not mentioned in the variance application by accident.

The driveway depth is 19 feet. Mr. Cummings questioned the agent about the compacted gravel walk. Mr. Washington responded he is planning on constructing a concrete driveway, with compacted gravel in the middle. The compacted gravel would also be used for a walkway to the entrance of the townhome.

Public Hearing:

The following spoke regarding the variance application:

- Deidre Dryer, 636 3rd Avenue South, Jacksonville Beach

Mr. Truhlar closed the public hearing.

Discussion:

Mr. Reddington stated with reservations, he has no problem granting this lot coverage. The Board agreed.

Motion: It was moved by Mr. Cummings, seconded by Mr. Reddington, to approve BOA 19-100096 and BOA 19-100097, as written and described.

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

The motion was approved unanimously.

(E) Case Number: BOA 19-100100

Applicant: Julie Marco
Owner: Mad Dog Land Holdings, LLC
Agent: Craig Summers
Property Address: 1181 10th Street South
Legal Description: Lots 7 and 8, lock 120, *Oceanside Park*

City of Jacksonville Beach Land Development Code Section(s) 34-377, for 5 parking spaces in lieu of 17 parking spaces required to allow for the conversion of a warehouse building into a dog boarding and training facility with a covered training area.

Ex-Parte Disclosure: Mr. Janson announced he personally knows agent Craig Summers. They did not have any conversation.

Agent: Craig Summers, 370 15th Avenue South, Jacksonville Beach, and applicant Julie Marco, 2399 Ocean Breeze Court, Atlantic Beach, approached the Board to discuss the case. Mr. Truhlar first requested some information regarding I-1 zoning laws. Mr. Knight explained:

- The dog grooming facility is an allowed use for this zone.
- There is no minimum lot area or width.
- The minimum yard setback in the front is 10 feet.
- The minimum side yard setback is 5 feet, except for a corner lot. In regard to a corner lot, the side yard facing the setback should be 10 feet.
- There is no rear yard setback minimum.
- The maximum lot coverage allowed is 85%.

- Parking setback requirements are dependent on the conditioned space and listed in this variance application.

In explaining his hardship, Mr. Summers stated this business serves dogs and not people, and he is asking for a reduction in parking spaces. The boarding and training facility in the discussion would not have office space, and there would be no modifications to the building, and no impervious surfaces would be added. The conditioned parking spaces would be used as a training area. Clients often visit their dogs one to two times for one hour for a duration of two weeks. Ms. Marco compared the service of the facility to dry cleaners, where dogs are dropped off and picked up. Clients do not stay for a prolonged period. Mr. Reddington commented there is no hardship.

Mr. Truhlar commented the variance, if granted, would remain with the property; therefore, any decision cannot be based on the business, but the land itself. Mr. Knight clarified only a change in use or occupancy would go back to the original requirements, like if it were to become a restaurant. Mr. Moreland questioned if there is a hardship created by the property. Discussion ensued regarding off-street parking and the City's reconstruction plans. Mr. Summers commented the applicant would be linking the two lots into one continuous parcel. Ms. Marco commented there are at least four staff members per shift, working twice per day. There would also be at least two staff members per shift in the new training facility.

Public Hearing:

The following spoke in favor of the variance application:

- Fabio Fasanelli, 121 Strong Branch Drive, Ponte Vedra Beach, the general contractor for the project, explained the reasoning behind the parking space reduction. There are approximately seven currently-existing parking spaces behind the building.

Mr. Moreland commented there is no land hardship present. Mr. Summers stated the hardship is in the code being rigid. Ms. Marco commented there would be approximately 20-30 dogs per month in the new building, with 32 kennel spaces overall. The existing building is 3,300 square feet.

Mr. Truhlar closed the public hearing.

Discussion:

The Board agreed no hardship is present. Mr. Knight commented this property is listed as "Commercial Use – not specifically listed" and carries a parking requirement of one space per 200 square feet.

Motion:

It was moved by Mr. Reddington, seconded by Mr. Cummings, to reject BOA# 19-100100, 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.

PLANNING DEPARTMENT REPORT

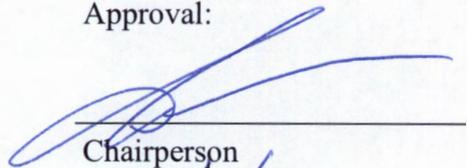
The next scheduled meeting is **Tuesday, August 6, 2019**. There are six (6) scheduled case.

ADJOURNMENT

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:00 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:



Chairperson

8/9/19
Date