

**Minutes of Board of Adjustment Meeting  
held Tuesday, September 17, 2019, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> 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 (absent)  
*Alternates:* Dan Janson (absent)

Director of Planning and Development Bill Mann was also present.

**ANNOUNCEMENTS:** Prior to the start of the meeting, Mr. Truhlar advised with only four Board members present, a motion ending in a two to two vote would be a denied motion. Mr. Truhlar further stated based on this information, Applicants would be allowed to defer their case to a future meeting if they so choose.

**EX-PARTE COMMUNICATION:** Each of the Board Members advised they received an email regarding BOA Case 19-100144 but did not respond to it.

**APPROVAL OF MINUTES:**

It was moved by Ms. Osewalt, seconded by Mr. Cummings, and passed unanimously to approve the following minutes:

- August 6, 2019
- August 20, 2019

**CORRESPONDENCE:** *None*

**NEW BUSINESS:**

**(A) Case Number: BOA 19-100119**

**Applicant/Owner:** Catherine (Adamosky) Sturms  
**Property Address:** 983 2<sup>nd</sup> Street South

**City of Jacksonville Beach Land Development Code Section(s):** 34-340(e)(3)c.1, for a front yard of 4 feet in lieu of 20 feet required; 34-340(e)(3)c.2, for a side yard of 8 feet and a corner side yard of 3 feet, each in lieu of 10 feet required; and 34-340(e)(3)c.3, for a rear yard of 24 feet in lieu of 30 feet required to rectify existing non-conformities and allow for the addition of two new dwelling units in a multiple-family zoning district.

**Applicant:** The Applicant elected to defer BOA case 19-100119 to a future meeting.

**(B) Case Number: BOA 19-100134**

**Applicant:** Atkins Builders, Inc.  
**Owner:** Florida Land Trust 2019 5 6  
**Agent:** John Atkins  
**Property Address:** 514 2<sup>nd</sup> Street South

**City of Jacksonville Beach Land Development Code Section(s):** 34-340(e)(1)c.2, for side yards of 6.25 feet in lieu of 10 feet required; 34-340(e)(1)c.3, for a rear yard of 20 feet in lieu of 30 feet required; 34-340(e)(1)f, for 53% lot coverage in lieu of 35% maximum; and 34-340(e)(1)h, for an accessory structure setback of 1-foot for sidewalks and 3 feet for stoops in lieu of 5 feet minimum to allow for the construction of a new two-family dwelling.

**Agent:** The Agent elected to defer BOA case 19-100134 to a future meeting.

**(C) Case Number: BOA 19-100147 and BOA 19-100148 (This case was called out of order)**

**Applicant:** MaliVai Washington  
**Owner:** Diamond Life Real Estate, Inc.  
**Property Address:** 625 4<sup>th</sup> Avenue South

**City of Jacksonville Beach Land Development Code Section(s):** 34-339(e)(1)f, for 38% lot coverage in lieu of in lieu of 35% maximum to allow for construction of a new two-family dwelling.

**Applicant:** MaliVai Washington, 5542 Jacksonville Drive, Jacksonville Beach, advised the hardship is the lot is nonconforming. He further explained he wants to build two townhomes on the property, and unlike duplexes, townhomes require a property line between the homes. The driveway for each home must be five feet from that property line. Mr. Washington initially submitted a plan he believed would only require 35% lot coverage, even with the driveway requirement. However, it was reviewed by Planning and Development who recalculated the coverage needed at 38%. Mr. Mann explained this was due to the overhang of the cantilevered decks on the back of each townhome. Mr. Truhlar asked why there were two case numbers listed for a single lot. Mr. Mann stated in the future the homes would be sold separately and this was done for tracking purpose. Discussion ensued regarding the hardship due to the property only being 50 feet wide and not 60 feet as required.

**Public Hearing:**

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

**Discussion:**

Mr. Cummings found Applicant's request reasonable, Mr. Truhlar agreed.

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Reddington, to approve BOA# 19-100147 and BOA# 19-100148, as written and described.

**Roll Call Vote:** Ayes- Scott Cummings, Francis Reddington, and Jeff Truhlar  
Nays- Sylvia Osewalt  
The motion was approved 3-1.

**(D) Case Number: BOA 19-100144**

**Applicant/Owner:** Diocese of St. Augustine, Inc.  
**Agent:** Rogers Towers, P.A.  
**Property Address:** 527 Pablo Avenue

**City of Jacksonville Beach Land Development Code Section(s):** 34-377 for 125 on-site paved parking spaces in lieu of 338 spaces required to allow for construction of a new sanctuary building.

**Applicant:** The Applicant elected to defer BOA case 19-100144 to a future meeting.

**(E) Case Number: BOA 19-100145**

**Applicant/Owner:** John Hanna, III  
**Property Address:** 3090 Horn Court

**City of Jacksonville Beach Land Development Code Section(s):** 34-337(e)(1)e, for 44% lot coverage in lieu of 35% maximum to allow for construction of a new single-family dwelling.

**Applicant:** John Hanna, III, 3090 Horn Court, Jacksonville Beach, stated the lot is substandard and it would be a financial hardship to build a house consistent with other homes in the neighborhood without the variance. The lot is 6,000 square feet versus the 7,500 square feet required. Mr. Hanna advised he is the owner of the property and will live in the home after it is built. He is not building a deck on the home and has no current plans to build a pool. Mr. Mann noted 44% lot coverage is consistent with other homes in that area.

**Public Hearing:**

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

**Discussion:**

There was no further discussion among the Board members.

**Motion:** It was moved by Mr. Reddington, seconded by Ms. Osewalt, to approve BOA 19-100145, as written and described.

**Roll Call Vote:** Ayes– Francis Reddington, Scott Cummings, Sylvia Osewalt, and Jeff Truhlar  
The motion was approved unanimously.

(F) **Case Number: BOA 19-100149**

**Applicant:** Mary Rowe  
**Agent:** Steve Jarrett  
**Property Address:** 119 6<sup>th</sup> Avenue South

**City of Jacksonville Beach Land Development Code Section(s):** 34-340(e)(3)c.1, for a front yard of 17 feet in lieu of 20 feet required and 34-340(e)(3)c.2, for an easterly side yard of 4.7 feet and a westerly side yard of 6.5 feet, each in lieu of 10 feet required to allow for an addition and substantial improvement to an existing multiple-family property.

**Agent:** Steve Jarrett, 3741 1<sup>st</sup> Street South, Jacksonville Beach, and Scott Ray, 345 South Roscoe Road, Ponte Vedra, Applicant's Architect, both approached the Board to speak on this case. Mr. Jarrett advised the Applicant is requesting to add a second story addition to the current home and build a separate 700 square foot unit on the back of the property for her mother. Ms. Osewalt asked for clarification on why the lot was considered nonconforming. Mr. Mann explained the lot is conforming at the front; however, the back of the lot where the second unit will be built is considered nonconforming in width. Mr. Mann further advised the current home is an existing nonconforming structure built to a prior code. The Applicant is seeking relief from the former code to add an additional story to the home. Mr. Ray explained the second story addition would be built inside the existing footprint of the home.

**Public Hearing:**

The following spoke in opposition of the application and provided photos (on file):

- Daleen Byrd, 123 6<sup>th</sup> Avenue South, Jacksonville Beach, FL

Further discussion ensued regarding how far forward the addition of the second story would come away from the existing structure. It was determined, after clarification from Mr. Mann and Mr. Ray, the front yard setback was not required.

**Discussion:**

There was no further discussion from the Board.

**Motion:** It was moved by Mr. Cummings, to approve BOA# 19-100149 for a 34-340(e)(3)c.2, for an easterly side yard of 4.7 feet and a westerly side yard of 6.5 feet, each in lieu of 10 feet required to allow for an addition and substantial improvement to an existing multiple-family property, seconded by Mr. Reddington, as discussed and modified.

**Roll Call Vote:** Ayes– Francis Reddington, Scott Cummings and Jeff Truhlar  
Nays- Sylvia Osewalt  
The motion was approved 3-1.

**(G) Case Number: BOA 19-100150**

**Applicant/Owner:** Joshua and Tara Whicker  
**Agent:** Steve Jarrett  
**Property Address:** 1344 2<sup>nd</sup> Avenue North

**City of Jacksonville Beach Land Development Code Section(s):** 34-336(e)(1)c.1, for a front yard of 20.5 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for an easterly side yard of 8.1 feet and a westerly side yard of 8.9 feet, each in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard of 22.2 feet in lieu of 30 feet required; and 34-336(e)(1)e, for 45% lot coverage in lieu of 35% maximum to allow for substantial improvements and a pool and patio addition to an existing single-family dwelling.

**Agent:** Steve Jarrett, 3741 1<sup>st</sup> Street South, Jacksonville Beach, advised this property belonged to his mother and was built prior to the current building codes. Mr. Truhlar established the hardship of this property is due to it only being 6,040 square feet, which is less than 10,000 square foot minimum required. Mr. Jarrett stated the home is a one story structure and there is no plan to add a second story. All renovations will occur inside the home with the only additions being the pool and paver deck. There is a one car garage with additional outside parking.

**Public Hearing:**

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

**Discussion:**

There was no further discussion among the Board members.

**Motion:** It was moved by Ms. Osewalt, seconded by Mr. Reddington, to approve BOA# 19-100150, as presented and discussed.

**Roll Call Vote:** Ayes– Sylvia Osewalt, Francis Reddington, Scott Cummings, and Jeff Truhlar  
The motion was approved unanimously.

**PLANNING DEPARTMENT REPORT**

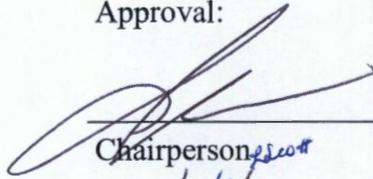
The next scheduled meeting is **Tuesday, October 1, 2019**. There are seven (7) scheduled cases.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:06 P.M.

Submitted by: Sheila Boman  
Staff Assistant

Approval:



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Chairperson *scott*

11/9/19

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Date