



**Minutes of Board of Adjustment Meeting  
held Tuesday, October 1, 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 (*absent*) Sylvia Osewalt John Moreland  
*Alternates:* Dan Janson

Building Official George Knight was also present.

**EX-PARTE COMMUNICATION:** *None*

**APPROVAL OF MINUTES:** *None*

**CORRESPONDENCE:** *None*

**OLD BUSINESS:**

**(A) Case Number: BOA#19-100133**

**Applicant/Owner:** Amy (Murphy) Paquette  
**Property Address:** 937 12th Street North

**City of Jacksonville Beach Land Development Code Section(s):** 34-337(e)(1)c.3, for a rear yard setback of 13 feet in lieu of 30 feet required and 34-337(e)(1)e, for 42% lot coverage in lieu of 35% maximum to re-build an existing non-conforming addition on an existing single-family dwelling.

**Applicant:** Amy Paquette, 937 12<sup>th</sup> Street North, Jacksonville Beach, advised she has a pre-existing addition to her home that was built without a permit. Ms. Paquette would like to remove the addition and rebuild using the current footprint. Mr. Truhlar established the hardship of this lot is due to it being undersized at 5,304 square feet verses the 7,500 square foot requirement. Mr. Moreland pointed out an additional hardship is where the home is positioned on the property. He noted this occurred because the home was built prior to the Land Development Code. Ms. Osewalt clarified the lot is currently at 42% coverage and has been for quite sometime. Ms. Paquette stated the lot coverage will remain at 42%.

**Public Hearing:**

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

**Discussion:**

Ms. Osewalt agreed there is a hardship due to the size of the lot. Mr. Janson stated he supported the request as Applicant will be making the new addition safe and within the current footprint.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA# 19-100133, as presented and discussed.

**Roll Call Vote:** Ayes – John Moreland, Sylvia Osewalt, Francis Reddington, Dan Janson, and Jeff Truhlar  
The motion was approved unanimously.

**(B) Case Number: BOA 19-100135**

**Applicant/Owner:** David and Stephanie Green

**Property Address:** 724 7th Avenue North

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e, for 40% lot coverage in lieu of 35% maximum to allow for the expansion of an existing screened patio at an existing single-family dwelling.

**Applicant:** David Green, 724 7<sup>th</sup> Avenue North, Jacksonville Beach, stated currently there is only a 7 x 20 square foot overhang on the back of the house. He would like to add an additional 7 feet to the existing structure and screen it in. Mr. Truhlar noted the lot is substandard in size which is the hardship. Ms. Osewalt asked if 40% was the minimum amount of coverage Mr. Green could use, he stated yes. Mr. Truhlar asked if the neighbors had been contacted in regards to this request. Mr. Green advised there is an easement behind his lot, and the neighbors to the right or left of him have been.

**Public Hearing:**

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

**Discussion:**

Mr. Reddington and Mr. Moreland agreed the request was reasonable.

**Motion:** It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve BOA# 19-100135, as presented and discussed.

**Roll Call Vote:** Ayes – John Moreland, Sylvia Osewalt, Francis Reddington, Dan Danson, and Jeff Truhlar  
The motion was approved unanimously.

**(C) Case Number: BOA 19-100136**

**Applicant/ Owner:** Cinthia F. Lang  
**Agent:** Ognjen Ogi Vojnovic  
**Property Address:** 21 35<sup>th</sup> Avenue South

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.2, for an easterly side yard setback of 5 feet in lieu of 10 feet required to allow for construction of a new single-family dwelling.

**Agent:** Ognjen Vojnovic, 1321 Yellow Star Lane, Jacksonville, stated he previously came before the Board with plans to build a home with the garage located in the back, however, that variance was denied due to the amount of lot coverage requested. In addition, a few neighbors voiced concern during the same meeting regarding the location of the garage. Mr. Vojnovic is now back before the Board to request a variance for a sideyard setback in order to move the garage from the back to the front of the home. Ms. Osewalt noted the lot frontage is nonconforming in width as it is only 50 square feet, not the 90 feet that is normally required.

**Public Hearing:**

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

**Discussion:**

Ms. Osewalt stated the request was not unreasonable because the lot itself is the hardship.

**Motion:** It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve BOA# 19-100136, as discussed.

**Roll Call Vote:** Ayes – Sylvia Osewalt, Francis Reddington, John Moreland, Dan Janson  
Nays – Jeff Truhlar  
The motion was approved by a vote of 4-1.

**(D) Case Number: BOA 19-100137**

**Applicant/Owner:** Gary Salvador  
**Agent:** Chris May  
**Property Address:** 726 11<sup>th</sup> Avenue South

**City of Jacksonville Beach Land Development Code Section(s)** 34-338(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for a pool and patio addition to an existing single-family dwelling.

**Applicant:** Chris May, 12864 Southern Hills Circle East, Jacksonville, and Gary Salvador, 726 11<sup>th</sup> Avenue South, Jacksonville Beach, both approached the Board regarding this case. Mr. May advised when the home was purchased by Mr. Salvador in 2014 it was already at 37% lot coverage creating the hardship. Mr. Salvador added the lot is nonconforming by width which is also considered a hardship. Ms. Osewalt asked if 42% lot coverage is the minimum Mr. Salvador could build on, he stated yes as they had already reduced the patio coverage by 25%. Mr. Knight stated

for the record a new city policy requires when a pool is constructed it must include an engineer approved drainage plan to handle the increase of water to the impervious surface.

**Public Hearing:**

Mr. Reddington read into record two letters in support of this case [on file]. No one else came before the Board to speak about this case.

Mr. Truhlar closed the public hearing.

**Discussion:**

Ms. Osewalt said the lot is nonconforming by width, however it is over the minimum in total square footage. Mr. Moreland voiced concern regarding the lack of a sideyard setback request, which could affect future neighbors. He agreed the lot was over the minimum square footage but otherwise the request was not unreasonable. Mr. Janson appreciated Mr. Salvador's due diligence in reducing the size of the requested patio space.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA# 19-100137, as presented and discussed.

**Roll Call Vote:** Ayes – John Moreland, Dan Janson and Jeff Truhlar  
Nays – Francis Reddington, Sylvia Osewalt  
The motion was approved by a vote of 3-2.

**(E) Case Number: BOA 19-100138**

**Applicant:** Susan Castellanos  
**Owner:** Walter P. Nachbaur et al  
**Agent:** Jacklyn Castellanos  
**Property Address:** 3490 Ocean Drive South

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)e, for 50% lot coverage in lieu of 35% maximum to allow a gravel driveway to be replaced with pavers at an existing single-family dwelling.

**Applicant:** Susan Castellanos, 3490 Ocean Drive South, Jacksonville Beach, advised the lot is substandard. Currently the driveway is gravel, which often gets spun out onto the street and looks bad. Ms. Castellanos has spoken to the neighbors who are all in favor of her improvements. Mr. Truhlar asked if the applicant was against using a different type of paver if necessary, Ms. Castellanos stated she was not. Mr. Truhlar asked if geo pavers were accepted by the city. Mr. Knight stated the geo pervious pavers would be allowed if the Board made it a part of the requested variance. Ms. Osewalt was concerned with the 50% lot coverage request. Ms. Castellanos stated she was amenable to 49% lot coverage.

**Public Hearing:**

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

Mr. Truhlar closed the public hearing.

**Discussion:**

Mr. Janson said he was in favor of the request if the Applicant was willing to use the pervious pavers

as discussed.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Reddington, to approve BOA# 19-100138, with the requirement of 49% maximum lot coverage and use of engineered pervious pavers as discussed.

**Roll Call Vote:** Ayes – John Moreland, Sylvia Osewalt, Francis Reddington, Jeff Truhlar and Dan Janson  
The motion was approved unanimously.

**(F) Case Number: BOA 19-100139**

**Applicant/Owner:** Kelly Himel  
**Agent:** Todd Bosco  
**Property Address:** 529 4<sup>th</sup> Street North

**City of Jacksonville Beach Land Development Code Section(s)** 34-373(f), for three (3) gravel parking spaces in lieu of paved parking spaces and 34-377 for three (3) on-site parking spaces in lieu of four (4) parking spaces required to provide parking for a commercial use.

**Agent:** Todd Bosco, 135 Cherry Street, Neptune Beach, FL, advised the hardship for the property is financial. He further explained the property was purchased in March with the intent of turning it from a private residence to a commercial building. He and the Owner worked with Planning and Development to ensure the building met all codes for that purpose. Plans for the outside of the property were additionally submitted to Planning and Development as well as Public Works. Public Works turned down those plans, advising the parking spaces must be paved. Heather Ireland, Planning and Development, Senior Planner, suggested Mr. Bosco bring the request before the Board of Adjustment. Mr. Bosco explained the cost to put in paved parking spaces would be approximately \$35,000 to \$45,000 due to the drainage system required for paved spaces. The cost, along with a few other requirements that still need to be completed, would cost the Owner nearly \$100,000. Mr. Knight advised the hardship was technically created when the property went from residential to commercial.

Ms. Osewalt took issue with decreasing the number of parking spaces for the property. Mr. Bosco noted there are three additional parking spaces in the front of the property; however, those could not be included in the total number of spaces because they are located on a public right of way. Mr. Truhlar asked if the required spaces were done in gravel could that portion of the variance be removed, Mr. Bosco stated it could. Mr. Janson had concerns about future parking requirements depending on what type of business should occupy the property. Mr. Knight stated those concerns would be addressed during the permitting process.

**Public Hearing:**

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

**Discussion:**

Discussion ensued to determine the actual hardship of the property. Mr. Knight reiterated the hardship was created when the property was changed from residential to commercial property.

**Motion:**

It was moved by Mr. Moreland, seconded by Ms. Osewalt, to reject BOA# 19-100139, for lack of an approved hardship.

**Roll Call Vote:**

Ayes – John Moreland, Sylvia Osewalt, Francis Reddington, Dan Janson, and Jeff Truhlar  
The motion was unanimously denied.

**NEW BUSINESS:**

**(A) Case Number: BOA 19-100155**

**Applicant/Owner:** Robert Martin  
**Agent :** Call The Screen Guys  
**Property Address:** 1234 13<sup>th</sup> Street North

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)c.2, for a northerly side yard of 4.7 feet in lieu of 5 feet minimum and total side yards of 14.9 feet in lieu of 15 feet required; 34-337(e)(1)c.3, for a rear yard of 20 feet in lieu of 30 feet required; and 34-337(e)(1)e, for 48.4% lot coverage in lieu of 35% maximum to allow for a new screen room addition to an existing single-family dwelling.

**Agent:** Mike Didelot, 1245 Green Cay Avenue, Jacksonville, and Robert Martin, 1234 13<sup>th</sup> Street North, Jacksonville Beach, approached the board to speak regarding this case. Mr. Didelot advised the hardship of this lot is due to it's size, which is 5,100 square feet. The lot is currently nonconforming at 48.5% lot coverage. The new screen room would be built within the existing footprint of the home, leaving the lot coverage unchanged. Mr. Moreland advised if the lot was conforming the acutal coverage would only be 33%. Mr. Truhlar referenced an email [on file] in support of the variance. Mr. Martin stated they have spoken with their neighbors and there were no objections regarding the request.

**Public Hearing:**

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

**Discussion:**

There was no additional discussion by the Board.

**Motion:**

It was moved by Mr. Moreland, seconded by Mr. Reddington, to approve BOA# 19-100155, as written and discussed.

**Roll Call Vote:**

Ayes – Sylvia Osewalt, Francis Reddington, John Moreland, Dan Janson, and Jeff Truhlar  
The motion was unanimously approved.

**PLANNING DEPARTMENT REPORT**

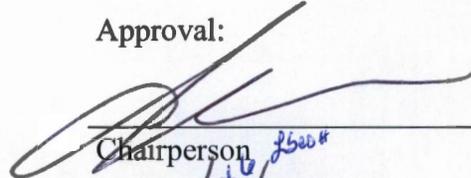
The next scheduled meeting is **Tuesday, October 15, 2019**. There are six (6) scheduled cases.

**ADJOURNMENT**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:11 P.M.

Submitted by: Sheila Boman  
Staff Assistant

Approval:



Chairperson

2500#

11/7/2019

Date