

**Minutes of Board of Adjustment Meeting
held Tuesday, July 7, 2020, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Francis Reddington called the meeting to order.

ROLL CALL

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

Building Official George Knight was also present.

EX PARTE COMMUNICATION: No ex-parte was reported.

APPROVAL OF MINUTES: *None*

CORRESPONDENCE: *None*

OLD BUSINESS:

None

NEW BUSINESS:

A. Case Number: **BOA#20-100033
Applicant: Bottom Line Ventures, Inc.
Owner: Joshua R. Nicolay
Property Address: 1011 22nd Street North
Parcel ID: 179206-0014**

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for 39% lot coverage in lieu of 35% maximum to allow for construction of a new single-family dwelling on Lot 1.

Applicant: Tim Millard, Bottom Line Ventures, PO Box 51136, Jacksonville Beach, said the hardship was the substandard lot. It is 5,100 square feet in a 7,500 square foot zoning district. He further noted there would be no need for a variance if this were a standard-sized lot as the lot coverage would only be 26%.

Public Hearing:

The following spoke in opposition to the variance application:

- George Ballas, 1101 22nd Street North, Jacksonville Beach

Mr. Reddington closed the public hearing.

Discussion:

Mr. Millard stated there had been numerous variances granted in the neighborhood as most of the lots are substandard in size. Ms. Osewalt agreed a variance was required as the lot is substandard.

Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve BOA#20-100033, as presented and discussed.

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

B. Case Number: **BOA#20-100034**
Applicant: Bottom Line Ventures, Inc.
Owner: Joshua R. Nicolay
Property Address: 1011 22nd Street North
Parcel ID: 179206-0014

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for 39% lot coverage in lieu of 35% maximum to allow for construction of a new single-family dwelling on Lot 2.

Applicant: Tim Millard, Bottom Line Ventures, PO Box 51136, Jacksonville Beach, stated this was lot 2, and the hardship was the same as the last case. The lot was substandard in size at 5,100 square feet versus the 7,500 minimum. Mr. Truhlar asked if there would be a two-car garage. Mr. Millard stated yes and noted there would be no on-street parking required.

Public Hearing:

A Speaker Card, in opposition to the variance application, was received from the following:

- George Ballas, 1101 22nd Street North, Jacksonville Beach

Mr. Reddington closed the public hearing.

Discussion:

Discussion ensued, and the Board agreed this was a reasonable request as the lot was substandard in size.

Motion: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve BOA# 20-100034, as presented and discussed.

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

C. **Case Number:** BOA#20-100037
Applicant/Owner: Timothy Malden
Agent: John Reep, Architect
Property Address: 121 7th Court South
Parcel ID: 176052-0000 & 176050-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.1, for a front yard setback of 6.5 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 3 feet each in lieu of 10 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 6 feet in lieu of 30 feet minimum; 34-340(e)(3)e, for 75% lot coverage in lieu of 65% maximum; 34-340(e)(3)g, for an accessory structure setback of zero feet in lieu of 5 feet maximum for paved swales; 34-373(c), for turning and maneuvering space of 18.5 feet in lieu of 23 feet required; 34-373(d), for a parking loading area setback of 3 feet in lieu of 5 feet minimum; and 34-373(f), for one gravel parking space in lieu of required paving, all to allow for construction of a new two unit multiple-family dwelling.

Applicant: Tim Malden, 12839 La Costa Court, Jacksonville, stated the hardship was the lot was small at 3,500 square feet, including an additional piece of property for parking. Mr. Malden advised the survey included in the agenda packet was an old survey. Ms. Osewalt asked for clarification on the number of units to be built on the property as there were only two listed on the motion. Mr. Malden stated that was incorrect as he turned in plans for three units to the Planning & Development Department. Mr. Knight stated Mr. Malden did submit plans to build three units, but due to zoning restrictions, was told by Planning & Development, he could only build a two-unit multi-family dwelling. Mr. Moreland asked if the case could be deferred until the number of units allowed to be built was determined. Mr. Knight said the case could be deferred. Mr. Malden stated he did not wish to defer.

Public Hearing:

Mr. Truhlar read into the record an email from the following person who is in opposition to the application:

- Stephen J. Reedberry, 757 2nd Street South, Jacksonville Beach

Mr. Truhlar read into the record a letter (on file) from Mr. Malden, disputing the claims made by Mr. Reedberry.

Mr. Truhlar wanted it noted for the record Mr. Malden agreed he would pay for the street to be paved to city standards. Mr. Malden confirmed that was correct.

Mr. Reddington closed the public hearing.

Discussion:

Discussion ensued concerning the number of variances needed to build the proposed units. Mr. Moreland noted although this lot is extremely substandard in size, with many variances needed to build on it, the Applicant still had the right to develop the property. Mr. Truhlar asked for clarification of the requested 0 feet accessory structure to which Mr. Knight advised that it was for the paved swales.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#20-100037, for a substantially substandard lot as presented and discussed.

Roll Call Vote: Ayes – John Moreland and Dan Janson
Nays – Sylvia Osewalt, Jeff Truhlar, and Francis Reddington
The motion to approve failed 2-3.

D. Case Number: BOA#20-100040 and BOA #20-100085

Applicant: John Atkins
Owner: Ernest G. Lott
Property Address: 1716 2nd Street North
Parcel ID: 175415-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(1)c.2, for side yard setbacks of 5 feet each in lieu of 10 feet minimum; 34-340(e)(1)f, for lot coverage of 52% in lieu of 35% maximum; and 34-340(e)(1)h, for an accessory structure (walkway) setback of 1 foot in lieu of 2 feet minimum to allow for construction of a new two-family dwelling.

Agent: Tim Millard, Bottom Line Ventures, PO Box 51136, Jacksonville Beach, speaking for the Applicant advised the hardship was due to the lot being undersized. Mr. Millard further advised he would like to change his lot coverage request from 52.2% to 49.9% as they are no longer doing sidewalks. He clarified stepping stones would be done in place of sidewalks, which would reduce the amount of lot coverage. Mr. Moreland noted if the lot were standard sized, lot coverage would only be 47%.

Public Hearing:

The following spoke in support of the application:

- Ernest Lott, 1331 1st Street North, Jacksonville Beach
- Neil Hemenway, 123 16th Avenue North, Jacksonville Beach

The following supported the application, but chose not to speak:

- Delina Avis, 106 17th Avenue North, Jacksonville Beach

The following spoke in opposition to the application:

- Rudy Dean, 1717 2nd Street North, Jacksonville Beach

Mr. Truhlar read into record emails (on file) in support of the application:

- Lee and Darla Buck, 136 17th Avenue North
- Nick and Jana Andrews, 135 17th Avenue North

Discussion ensued regarding what materials could be used to construct the driveway. Mr. Knight noted an impervious paver driveway would not reduce the total lot coverage. He further advised for the record, and the stepping stones placed a minimum of 12 inches apart would not increase lot coverage.

Mr. Reddington closed the public hearing.

Discussion:

The discussion continued regarding the driveway. Mr. Truhlar asked if the Board could make it part of the motion that the Applicant use impervious pavers for the driveway. Mr. Knight stated that was correct.

Motion: It was moved by Ms. Osewalt, seconded by Mr. Truhlar, to approve BOA# 20-100040 and 20-100085, for 34-340(e)(1)c.2, for side yard setbacks of 5 feet each in lieu of 10 feet minimum; and 34-340(e)(1)f, for lot coverage of 49.9% in lieu of 35% maximum to allow for the construction of a new two-family dwelling.

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

E. Case Number: BOA#20-100041
Applicant/Owner: John Bordelon
Agent: Joe Loretta
Property Address: 3211 Ocean Drive South
Parcel ID: 181515-0000

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 minimum; 34-336(e)(1)e, for 49.9% lot coverage in lieu of 35% maximum; and 34-373(f), for a gravel driveway in lieu of required paving, all to allow for construction of a new single-family dwelling.

Agent: Joseph Loretta, 1887 Green Heron Court, Jacksonville Beach, stated the hardship was the lot was substandard in both size and width. The current lot coverage is 95%, but the new construction would cut lot coverage to 49.7%. Mr. Loretta provided an aerial photo of the lot as well as other homes in the neighborhood with similar variances; a list of names of neighbors the Applicant spoke to who are in support of the variance; and a photo showing an example of the gravel driveway, in support of the variance request (on file). Mr. Loretta explained the driveway would be concrete to the right of way, then gravel, followed by a four-foot strip of concrete. This design would help with drainage and ease of maintenance.

Public Hearing:

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

Mr. Truhlar submitted into record a list (on file) of 14 names of neighbors who are in favor of the variance.

Mr. Reddington closed the public hearing.

Discussion:

Mr. Moreland advised if this were a standard-sized lot, coverage would only be 37.5%.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA#20-100041, as presented and discussed.

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

F. Case Number: BOA#20-100042

Applicant/Owner: Peter L. Lafser
Property Address: 3507 1st Street South
Parcel ID: 181471-0000

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 a pool and paver patio addition to an existing single-family dwelling.

Applicant: Pete Lafser, 3507 1st Street South, Jacksonville Beach, stated the hardship was the lot was undersized. The plan was to put in a small patio and walkway from the house to the pool for aesthetics and safety. A previous variance was granted, making the current lot coverage 46%. Mr. Lafser further stated the neighbors who border his property are in favor of this variance request. Mr. Moreland noted if this were a standard-sized lot, the coverage would only be 34.3%.

Public Hearing:

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

Mr. Trular advised there were five correspondences (on file) from neighbors who are in support of the variance.

Mr. Reddington closed the public hearing.

Discussion:

The Board agreed this was a reasonable request.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA#20-100042, as presented and discussed.

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

G. Case Number: BOA#20-100048

Applicant/Owner: James and Sonya Schmid

Property Address: 11 San Pablo Circle North
Parcel ID: 178256-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.3, for a rear yard setback of 11 feet in lieu of 30 feet required and 34-336(e)(1)e, for lot coverage of 43.7% in lieu of 35% maximum to allow for the addition of a covered porch to an existing single-family dwelling.

Owner: James Schmid, 11 San Pablo Circle North, Jacksonville Beach, advised he would like to add a covered porch to the existing home. However, the lot was undersized, causing the hardship. Ms. Osewalt asked if the Applicant had spoken to the neighbors regarding the request. He stated he had not. Mr. Moreland asked if the porch could be placed on the northwest side of the home instead of extending off into the backyard. Mr. Schmid explained the reason for placing the porch on the backside of the home was due to an existing sliding glass door as well as a paver patio that would be extended to accommodate the new porch.

Public Hearing:

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

Discussion:

Mr. Moreland advised if this were a standard-sized lot, the coverage would only be 30.9%.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA#20-100048, as presented and discussed.

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

H. Case Number: BOA#20-100050

Applicant: L. Charles Mann
Owner: Charles D. Hiers
Property Address: 4221 2nd Street South
Parcel ID: 180466-0000

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

Applicant: Charles Mann, 165 Arlington Road, Jacksonville, advised the hardship was the lot was substandard as it was only 65 square feet wide versus the 90 square feet minimum. A variance for 40% lot coverage had been previously granted for the lot. Ms. Osewalt asked if Mr. Mann had talked to the neighbors. He stated, yes.

Public Hearing:

Mr. Truhlar read into record emails (on file) from the following who support the variance:

- Timothy Shea, 4217 2nd Street South, Jacksonville Beach
- Melanie Caserta, 4231 2nd Street South, Jacksonville Beach
- Matthew and Stephanie Kelly, 4107 Ponce de Leon Boulevard, Jacksonville Beach

The following supported the application, but did not wish to speak:

- Michael Herzberg, 12483 Aladdin Road, Jacksonville

The following spoke in opposition to the application:

- Randy Deloach, 59 34th Avenue South, Jacksonville Beach

Mr. Mann reiterated the lot is substandard in width as it does not meet the Land Development Code as it was platted at 65 square feet versus 90 square feet.

Mr. Reddington closed the public hearing.

Discussion:

Discussion ensued. Mr. Moreland stated the requested variance was not excessive. Ms. Osewalt agreed the lot was substandard as it did not meet the 90 square feet width minimum.

Motion: It was moved by Mr. Janson, seconded by Ms. Osewalt, to approve BOA#20-100050, as presented and discussed.

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

PLANNING DEPARTMENT REPORT

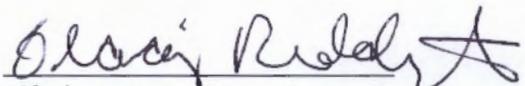
The next scheduled meeting is **Tuesday, July 21, 2020**. There are nine scheduled cases.

ADJOURNMENT

There being no further business coming before the Board, Mr. Reddington adjourned the meeting at 8:43 P.M.

Submitted by: Sheila Boman
Office Assistant

Approval:


Chairperson

08-19-2020
Date