

**Minutes of Board of Adjustment Meeting  
held Tuesday, April 15, 2014, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Buck.

**Roll Call**

Tom Buck, Chair  
Joseph Loretta  
John Moreland - *Absent*  
Sylvia Osewalt, Vice Chair  
Scott Cummings - *Absent*

Alternates: Jeff Truhlar  
Francis Reddington

**Ex-Parte Communications**

Mr. Buck asked if anyone had any ex-parte communications for the record.

There were no ex-parte communications disclosed by the Board members.

**Approval of Minutes**

It was moved by Ms. Osewalt, seconded by Mr. Loretta, and passed, to approve the March 18, 2014, meeting minutes as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

- A. Case Number:** **BOA 14-100041**  
**Name of Applicant:** Mercedes Premier Homes, LLC.  
**Property Address:** 230 40<sup>th</sup> Avenue South  
**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 15 feet in total for both side yards provided that no side yard is less than 5 feet, in lieu of 10 feet required, for a rear yard of 20 feet in lieu of 30 feet required, for 50% lot coverage in lieu of 35% maximum and

**Minutes of Board of Adjustment Meeting  
held April 15, 2014**

conditioned that the above includes the Avalon Neighborhood Architectural Guidelines to allow for a new single family home for property legally described as Lot 3 and the east ½ of Lot 4, Bloc 172, Avalon Unit No 2.

**Applicant:**

The agent for the applicant, Jim Deen, 175 Hampton Point Drive, Suite 2, St. Augustine, stated that he would like to obtain a variance so he can have an acceptable building pad for the proposed structure, which will consist approximately 3000 square feet of living space.

Mr. Loretta asked the applicant if there were originally three lots that were subdivided. Mr. Deen replied no, there were only two lots.

Mr. Loretta asked if this is similar to the requests that have been previously approved in this neighborhood. Mr. Deen replied yes, this lot was individually owned; therefore was not included in the request.

Mr. Buck asked the applicant if he had any issues following the Architectural Review Guidelines for the community. Mr. Deen replied no.

Mr. Truhlar asked the applicant if the finished product would be similar to the homes that exist in the community. Mr. Deen replied yes.

Mr. Reddington asked the applicant if all the homes in the community were 3000 square feet. Mr. Deen replied that he could not confirm that since he was not the builder for the community.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the Board, Mr. Buck closed the public hearing.

**Discussion:**

The majority of the Board concurred that this was a valid request and consistent with what has been previously approved in the community. However, Mr. Loretta stated that he wanted to amend the motion to include the verbiage “as shown and submitted”.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Truhlar, to approve a request for a 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 15 feet in total for both side yards provided that no side yard is less than 5 feet, in lieu of 10 feet required, for a rear yard of 20 feet in lieu of 30 feet required, for 50% lot coverage in lieu of 35% maximum and conditioned that the above includes the Avalon Neighborhood Architectural Guidelines, to allow for a new single family home for property legally described as Lot 3 and the east ½ of Lot 4, Blok 172, Avalon Unit No 2, as shown and submitted.

**Minutes of Board of Adjustment Meeting  
held April 15, 2014**

**Roll call vote:** Ayes– Buck, Loretta, Osewalt, and Truhlar  
Nays –Reddington  
Amended motion carried with a 4 to 1 vote.

- B. Case Number:** BOA 14-10042  
**Name of Applicant:** Ryan Wetherhold  
**Property Address:** 779 10<sup>th</sup> Avenue South  
**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for total side yards of 9 feet in lieu of 15 feet required, and for 44% lot coverage in lieu of 35% maximum to allow for a new single family dwelling for property legally described as the west ½ Lot 7, Block 98, Oceanside Park.

**Applicant:**

The applicant, Ryan Wetherhold, 19<sup>th</sup> Street South, stated that this lot is very narrow in width, being only 25 ft. The lot itself is only a little over 3000 square ft. Mr. Wetherhold explained that he is trying to make compromises with the side yards to allow for at least a 16 ft. width structure, allowing the home to be approximately 1500 square ft. with a 2 to 3 bedroom home. Mr. Wetherhold further explained that there is 50 ft. unimproved alley/easement that the City of Jacksonville Beach owns and at this time does not have plans to develop.

Mr. Reddington asked the applicant if there are two-story homes in the neighborhood.

Mr. Wetherhold replied yes.

Mr. Reddington asked the applicant if he understood that the easement at one point could be developed.

Mr. Wetherhold replied yes, he understood that it could happen.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following people spoke in opposition to the application:

- Phil Vogelsang, 14 Fairway Road, Jacksonville Beach
- Adam Reid, 777 10<sup>th</sup> Avenue South, Jacksonville Beach
- Thomas Hemet, 802 10<sup>th</sup> Avenue South, Jacksonville Beach
- Spencer Murphy, 39 Fairway Lane, Jacksonville Beach

**Rebuttal:**

Mr. Wetherhold stated that the lot is small; however, he has explored other alternatives for the property and feels that a single-family dwelling would fit within the character of the neighborhood.

Seeing no one else who wished to address the Board, Mr. Buck closed the public hearing.

**Minutes of Board of Adjustment Meeting  
held April 15, 2014**

**Discussion:**

Mr. Loretta stated that although people spoke in opposition, the Board in the past has granted variances this extreme and this is a lot that is deemed buildable.

**Roll call vote:** Ayes– Loretta  
Nays – Truhlar, Reddington, Osewalt, and Buck  
Motion denied with a 4 to 1 vote.

**C. Case Number: BOA 14-100043**

**Name of Applicant:** Daryn W. Holty

**Property Address:** 924 13<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for 48% lot coverage in lieu of 35% maximum, and for accessory structures (walks and shed) 0 feet to property line in lieu of 5 feet minimum to allow for improvements to a single family dwelling for property legally described as Lot 3, Block 140, Oceanside Park.

**Applicant:**

The applicant, Daryn Holty, stated that his lot is 6250 square feet, which only allows for a single car garage. The garage currently does not house a car, but only seasonal items. If granted variance, a shed will be placed on the rear property line. The second part of the variance will allow for a patio with walkways to both sides of the home.

Mr. Loretta asked the applicant why he is unable to have his shed 5 feet off the property line. Mr. Holty replied that would like to keep his backyard view without seeing the shed.

Mr. Loretta asked the applicant if was going to have walkways on both sides of the home. Mr. Holty replied yes.

Mr. Loretta asked the applicant if he was aware that if pea gravel was used, in place of pavers, it is does not count as lot coverage. Mr. Holty replied he was not aware that pea gravel did not count.

Mr. Buck stated that by placing the shed in the corner against the property line allows water to be pushed onto the neighbors lots.

Mr. Holty asked if he turned the shed, would that be acceptable.

Ms. Osewalt stated that having the shed 5 feet off the property line as the code dictates would be acceptable.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the Board, Mr. Buck closed the public hearing.

**Minutes of Board of Adjustment Meeting  
held April 15, 2014**

**Discussion:**

A brief discussion ensued about the application and its merits for approval. The Board agreed that by having the shed placed 3 feet from the property line would be a much more reasonable request.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Reddington, to approve a request for 42% lot coverage in lieu of 35% maximum and for accessory structures (walks and shed) 3 feet to property line in lieu of 5 feet minimum, to allow for improvements to a single family dwelling for property legally described as Lot 3, Block 140, Oceanside Park.

**Roll call vote:** Ayes– Reddington  
Nays – Truhlar, Loretta, Osewalt, and Buck.  
Amended motion by a vote of 1 to 3.

**2<sup>nd</sup> Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Truhlar, to approve a request for 45% lot coverage in lieu of 35% maximum, and for accessory structures (walks and shed) 3 feet to property line in lieu of 5 feet minimum to allow for improvements to a single family dwelling for property legally described as Lot 3, Block 140, Oceanside Park.

**Roll call vote on 2<sup>nd</sup> Amended Motion:**  
Ayes– Loretta, Truhlar, Reddington, and Buck  
Nays –Osewalt  
2<sup>nd</sup> Amended Motion carried by a vote of 4 to 1.

**D. Case Number:** BOA 14-100044  
**Name of Applicant:** Eric Shiendling  
**Property Address:** 424 4<sup>th</sup> Avenue South  
**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for side yards of 7.5 feet in lieu of 10 feet required to allow for a new two family dwelling for property legally described as Lot 4, Block 45, Pablo Beach South.

**Applicant:**

The agent for the applicant, Eric Shiendling, 7563 Philips Highway, Jacksonville, stated that the hardship is that this is a substandard sized lot for RM-1 zoning area. The current zoning allows for a three-family unit, however, the proposal is to build a two-family dwelling.

Mr. Shiendling provided the Board with seven examples of variances that have been approved, similar to his request, as follows:

- 880 10<sup>th</sup> Avenue South, Jacksonville Beach, 7.5 foot side yard setbacks
- 882 10<sup>th</sup> Avenue South, Jacksonville Beach, 7.5 foot side yard setbacks
- 868 10<sup>th</sup> Avenue South, Jacksonville Beach, 7.5 foot side yard setbacks
- 870 10<sup>th</sup> Avenue South, Jacksonville Beach, 7.5 foot side yard setbacks
- 822 10<sup>th</sup> Avenue South, Jacksonville Beach, 5 foot side yard setbacks

**Minutes of Board of Adjustment Meeting  
held April 15, 2014**

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following people spoke in opposition to the application:

- David Reed, 418 4<sup>th</sup> Avenue South, Jacksonville Beach
- Linda Torres Reed, 418 4<sup>th</sup> Avenue South, Jacksonville Beach

**Rebuttal:**

Mr. Shiendling addressed the concerns by Mr. & Mrs. Reed and stated that this property is zoned for multi-family but he is willing to reduce the density by building a two-family dwelling instead of three family units. Regarding water run-off, all City requirements will be met before a permit is issued.

Seeing no one else who wished to address the Board, Mr. Buck closed the public hearing.

**Discussion:**

A brief discussion ensued about the applicant having a hardship due the lot being undersized.

**Roll call vote:** Ayes– Loretta and Truhlar  
Nays –Osewalt, Reddington, and Buck  
Motion failed by a vote of 3 to 2.

**Building Department Report:** The next scheduled meeting is Tuesday, May 6, 2014.  
There are currently four (4) scheduled cases.

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman  
City Clerk's Office

Approval:

/s/Thomas Buck

Chair

Date: May 20, 2014