

Minutes of Board of Adjustment Meeting
held Tuesday, May 20, 2014, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida



Call to Order

The meeting was called to order by Chairman Buck.

Roll Call

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

Alternates:

Jeff Truhlar
Francis Reddington

Purpose and Ex-Parte Statement

Mr. Buck read the following statement into the record:

“These variance applications are before the Board of Adjustment for public hearing and consideration. A variance is an approved deviation from the terms of the LDC that will not be contrary to the public interest when owing to special circumstances or conditions where the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Under the laws of the State of Florida, a public hearing for a zoning variance application is handled as a “quasi-judicial” proceeding. A quasi-judicial proceeding means that the decision-making group is functioning in a manner similar to a court with the voting members sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue under consideration. It is the duty of the Board of Adjustment to arrive at sound decisions. This includes receiving citizen input regarding the effect of the variance on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. If the applicant is successful in showing consistence, then it is up to the Board of Adjustment to produce competent, substantial evidence of record to the contrary, if the application is to be denied. The Board of Adjustment’s decision on a variance application is to be based on the criteria contained in Section 34-286 of the Land Development Code. Each member of the Board of Adjustment has been provided a copy of the

criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

“Before opening the meeting and requesting a motion on any of the applications before us this evening, beginning with myself, each of the members is requested to indicate for the record both the names of the persons and the substance of any ex-parte communications regarding any of the applications. An ex-parte communication refers to any meeting or discussion with person or citizen who may have an interest in this decision, which occurred outside of public hearing process.”

Both Mr. Moreland and Mr. Loretta spoke with parishioners from St. Paul’s Catholic Church regarding BOA 14-100066 who stated that they were opposed to the variance request. There were no other ex-parte communications disclosed by the Board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve both the April 15, 2014 and May 6, 2014 meeting minutes as submitted.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 14-100059

Name of Applicant: John Faulkner

Property Address: 1906 Eastern Drive

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a front yard of 21.5 feet in lieu of 25 feet required to allow for improvement to a single family dwelling for property legally described as Lot 9, Block 6, San Pablo Terrace.

Applicant:

The applicant, John Faulkner, stated that he would like to add a porch to the front of his home. Currently there is only 6 square feet of coverage for the front entry. Mr. Faulkner provided pictures, for the record, showing his home and other homes in the neighborhood with front porches that are similar to his request. He added that some received variances.

Mr. Moreland stated that the historical placement of the home clearly creates a hardship for the applicant. This variance would not be needed before the LDC was changed from 20 feet to 25 feet.

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:

Mr. Moreland stated that this is a prime example of a variance that should be approved due to the placement of the home, which clearly creates a hardship for the applicant. The Board concurred with Mr. Moreland's statement.

Mr. Loretta stated that he wished to amend the motion to include the verbiage 'for an open air front porch to a single family dwelling as shown and discussed'.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 21.5 feet in lieu of 25 feet required to allow for an open air front porch improvement to a single family dwelling for property legally described as Lot 9, Block 6, San Pablo Terrace, as shown and submitted.

Roll call vote: Ayes – Buck, Loretta, Moreland, Osewalt, Truhlar
Amended motion carried unanimously.

(B) Case Number: BOA 14-100062

Name of Applicant: LTD Restaurants, Inc. /Chris Hionides

Property Address: 506 Beach Boulevard

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for parking area setback and vehicle use area setback of 1 foot to the westerly property line and 2 feet to the easterly and southerly property lines in lieu of 5 feet minimum and for corresponding landscape strips in lieu of 5 feet minimum to allow for a new commercial development for property legally describes as Lots 1 and 2, Block B, Mundy Drive Terrace S/D.

Applicant:

The agent, Richard Tredel, 2233 Sumo Road, Atlantic Beach, stated that the hardship is that property is three-street fronted and there are a number of setbacks to compete with. The dimension of setbacks on the two corners creates difficulty. Currently it has 100% lot coverage and they are bringing green space to the property. There is parking in the right-of-way that will become green space.

Mr. Buck asked if they were taking up concrete on 5th street. He added on the westerly side of the lot there is shrubbery and asked if they would leave some.

Mr. Tredel responded yes and the lot line runs directly through the greenery. The plan is to keep everything on the land that is owned by the owner.

Mr. Loretta added that it be would nice if this was developed at one time. Mr. Tredel noted that Mr. Hionides is not the owner of the Wendy's; there are two separate owners.

Mr. Buck stated there were previous variances. He asked if the 6 inch setback was on the westerly side. Mr. Tredel said yes. Mr. Buck noted that a lot of the concrete will be removed and he asked if they were going to do anything with the strip on the west side and asked what you could do with a foot.

John Zona, 2600 Belfort Road, Jacksonville, stated that he was the architect and that the landscaping would be substantially left the way that it is. They would like to be able to shorten the pavement by 30 inches to the wheel stops to increase the green space.

Mr. Moreland asked if that required a variance. Mr. Zona responded that he did not think it would. Mr. Hays stated that it would not be allowed because it would reduce the depth and confirmed a variance would be required.

Ms. Osewalt asked how many parking spaces there would be. Mr. Zona responded there would be 16 and stacking for 6 more.

Mr. Truhlar asked if there would be stacking on 5th Street. Mr. Zona said there would not.

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:

Mr. Buck stated that this would be an improvement to the site based on the increase of greenscape.

Mr. Osewalt added that they have the required number of parking spots.

Mr. Loretta stated that it was an improvement but would like to see the two properties connect to the west but knew it could not be done due to lack of common ownership.

Mr. Moreland stated that he liked the idea for the parking spaces and requested that staff discuss it with the applicant.

Roll call vote: Ayes – Buck, Loretta, Moreland, Osewalt, Truhlar
Motion carried unanimously.

(C) Case Number: BOA 14-100065

Name of Applicant: Stephanie Groleau

Property Address: 823 16th Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for 42% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling for property legally described as Lot 9, Block 159, Oceanside Park.

Applicant:

The applicant, Stephanie Groleau, stated that she designed a maximum 300 square foot patio in the back yard. The patio will be only gravel, sand, and pavers - no concrete.

Mr. Moreland asked if it abutted the house. Ms. Groleau stated that it is not touching the foundation.

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:

Mr. Loretta noted it was a non-conforming lot and the request was proportional to the size of the lot.

Roll call vote: Ayes – Buck, Loretta, Moreland, Osewalt, Truhlar
Motion carried unanimously.

(D) Case Number: BOA 14-100066

Name of Applicant: Christopher Blauvelt

Property Address: 411 Pablo Avenue

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for 2 on-site parking spaces in lieu of 57 spaces required to allow for redevelopment of the subject property into a restaurant use (balance of dimensional layoff for site plan to be approved via PUD rezoning) for property legally described as Lot 12, Block 15, Atlantic Park R/P.

Applicant:

Mr. Blauvelt, 1638 Raboca Place, stated that they wanted to develop a restaurant and their neighbor, Faver Gray, has a fenced-in lot. They have entered into an agreement with Father Kelly and St. Paul's Church for use of 60 spaces when the parking lot is not in use for church services. This agreement also limits the use during church functions.

Mr. Loretta asked if the agreement allowed for valet parking and how would it be handled during services. Mr. Blauvelt asserted that they would not use it at all. Mr. Loretta responded that is not stated in the agreement.

Mr. Buck asked if they were going to build the restaurant where there is existing parking.

Mr. Loretta noted that their land is where the ATM was before and they only have 5 spaces.

Mr. Moreland asked if they were going to build on the existing footprint.

Mr. Reddington asked about parking during church services and would that affect other businesses. Mr. Blauvelt stated street parking or walk-up.

Mr. Loretta asked if the restaurant would be open the same hours as Saturday and Sunday services. He was concerned about church parking during this time.

Mr. Buck stated that he liked the idea of restaurants and businesses coming to Jacksonville Beach, but he does have a problem with a parking variance of this extent.

Mr. Blauvelt stated that he had looked all over for a parcel with parking and could not find one that was adequate.

Mr. Moreland asked if Father Kelly has the legal authority to sign this agreement. Mr. Blauvelt stated he did not know that.

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 favor of the application:

- Elaine Brown, 1302 Neptune Grove East, Neptune Beach
- Stephanie Groleau 823 16th Avenue South, Jacksonville Beach

The following people spoke in opposition to the application:

- Jennifer Labronno, Jacksonville Beach
- Robert MacKinnon, 122 4th Street North, Jacksonville Beach
- John Valerno, 2002 1st Street, Jacksonville Beach
- Georgia Dumont, 507 16th Street South, Jacksonville Beach
- Lea Hudson, 404 3rd Avenue North, Jacksonville Beach
- Dot Allen, 14648 Island Drive, Jacksonville Beach
- Todd Robinson, 406 3rd Avenue North, Jacksonville Beach
- Robin Kulp, 2227 Ocean Forest, Jacksonville Beach.
- McKenzie Robinson, Jacksonville Beach
- Jim Overby, 21 Burling Way, Jacksonville Beach
- Mary Martens, Jacksonville Beach
- Samuel Hall, 44 3rd Avenue North, Jacksonville Beach

Rebuttal:

Mr. Blauvelt stated that they do employ up to 60 employees, there are 3 shifts, and a lot of staff use mass transit.

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

Discussion:

Ms. Osewalt stated that there were 14 people who spoke in opposition. Ms. Galerno said it well – ‘doing away with the parking requirement is not fair to the people in the City’.

Mr. Loretta stated that the existing parking area is non-conforming to the LDC. He noted that this property has no use allowable other than the existing office use.

Mr. Moreland disagreed and stated that there are a lot of commercial uses that would be less dense.

Roll call vote: Nays– Buck, Loretta, Moreland, Osewalt, Truhlar
Motion denied unanimously.

Building Department Report: The next scheduled meeting is Tuesday, June 3, 2014.
There are currently four (4) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:10 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

A handwritten signature in blue ink that reads "Thomas Buck". The signature is written in a cursive style with a large, sweeping initial "T".

Chairman

Date: July 15, 2014