

**Minutes of Board of Adjustment Meeting  
held Tuesday, July 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, Chairman  
Joseph Loretta  
John Moreland  
Sylvia Osewalt, Vice Chairman  
Scott Cummings

Alternates:

Jeff Truhlar *Absent*  
Francis Reddington

**Purpose and Ex-Parte Statement**

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

Mr. Loretta stated that he spoke with Mr. William Poarch regarding BOA 14-100091.

**Approval of Minutes**

It was moved by Mr. Moreland, seconded by Mr. Loretta, and passed, to approve the May 20, 2014, June 3, 2014 and June 17, 2014 meeting minutes as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**(A) Case Number:BOA 14-100089**

**Applicant/Owner:** Josh Sachs

**Property Address:** 575 10<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for an easterly side yard 4.5 feet in lieu of 5 feet minimum and total side yards of 9.4 feet in lieu of 15 feet required; 34-338(e)(1)c.3, for a rear yard on a dual frontage lot of 14 feet in lieu of 20 feet required; 34-338(e)(1)e, for 52% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling **for property legally described**

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as the east 45 feet of Lot 8 and the west 6 feet of Lot 9, Block 96,  
*Oceanside Park.*

**Applicant:**

The applicant, Josh Sachs, 575 10<sup>th</sup> Avenue South, stated that they were looking to rebuild the property; the current slab is not proper to build on. They were looking to make it a standard single family unit.

Mr. Moreland asked if there were improvements to a current dwelling or were they going to tear down and rebuild.

James Smoke, 3184 Russell Road, Green Cove Springs, FL addressed the Board. Mr. Smoke responded that he wants to take the one story section and expand it to two stories and tie in together for one house.

Mr. Moreland asked how they would strengthen the slab and not tear down. Ms. Smoke said that they intended to reinforce the slab and build around the existing structure. The small structure is coming down.

Mr. Loretta asked if the two story walls are staying built. Mr. Smoke responded that they were staying.

Mr. Buck asked if that was a garage at one time. Mr. Smoke responded that it may have been.

Mr. Loretta asked if there would be a garage and Mr. Sachs responded yes.

Ms. Osewalt asked why they needed the additional width. Mr. Smoke responded that the lot is non-conforming and the footprint will not be different.

Mr. Moreland asked if it currently occupied 52% of the lot. Mr. Sachs responded that it does.

Mr. Buck asked if this was the minimum requirement that could be requested. Mr. Sachs said they were not changing the footprint but were looking to shore up the property.

Mr. Smoke stated that the concrete patio will be removed.

Mr. Buck stated that they are taking out the same square footage that they are putting in.

**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:**

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Mr. Loretta stated that because they are making it the same they could remove lot coverage from the application. Mr. Loretta recommended that they add 'as discussed' and 'removal of similar impervious' to what was proposed.

Ms. Osewalt stated that if he was getting 52% lot coverage that would be addressed.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for an easterly side yard 4.5 feet in lieu of 5 feet minimum and total side yards of 9.4 feet in lieu of 15 feet required; 34-338(e)(1)c.3, for a rear yard on a dual frontage lot of 14 feet in lieu of 20 feet required; 34-338(e)(1)e, for 52% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling **for property legally described as** the east 45 feet of Lot 8 and the west 6 feet of Lot 9, Block 96, *Oceanside Park*, as discussed, and removal of similar impervious to what was proposed.

**Roll call vote:** Ayes – Buck, Loretta, Moreland, Cummings  
Nays – Osewalt  
Amended motion carried with a vote of 4 to 1.

**(B) Case Number:BOA 14-100090**

**Applicant/Owner:** Ronald Legare

**Property Address:** 3201 Antigua Drive

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for 54% lot coverage in lieu of 45% maximum to allow for a swimming pool and deck addition to a single family dwelling **for property legally described as** Lot 71, *Ocean Cay Unit One*.

**Applicant:**

The applicant, Ron Legare, 3201 Antigua Drive, stated that they would like to put in a pool in the backyard.

Mr. Loretta asked if the pool had received approval by the HOA and inquired about the plans showing that the pool goes into the bank of the pond. Mr. Legare presented an approval letter from the HOA.

Ms. Osewalt asked what the hardship was. Mr. Legare stated that the lot was not as big as they would like and because they want a pool.

Mr. Loretta stated that he thought they would need a waiver from the Water Management District because it cut into the pond elevation. Mr. Legare stated that it was a very gradual slope.

Mr. Buck stated that he was not sure what the slope of the bank is and that they were going into the bank of the pond. He asked if there were legal ramifications. Mr. Hays stated there should be none.

Mr. Buck was concerned that the drainage pond would cause an issue when it reached higher levels. Mr. Legare stated that water has never come close to where they are putting the pool.

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Mr. Loretta stated that the City may require approval from the WMD because they are going into the top of the bank.

Mr. Buck asked if this was the smallest they could ask for. Mr. Legare responded that they would be willing to keep some of the area natural.

Ms. Osewalt asked what percentage of lot coverage that would entail. Mr. Loretta thought that it would be negligible.

**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:

Joe Marks, 3135 Antigua Drive, stated that he lives two doors down from the applicant. He stated that it is nice to have a pool in Florida and he did not believe that this would be a problem contingent upon the bank issue.

Derrick Cooks, 744 Bonnaire Circle, spoke on behalf of the proposal, stating that this type of construction raises property values in the neighborhood.

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

**Discussion:**

Mr. Loretta noted that the original ordinance specifically states that the owner can ask for a variance for a pool such as this. If the community is ok with the pool, then he is.

Mr. Reddington asked if the pool encroached on the easement. Mr. Loretta stated that he thought that it did not.

Ms. Osewalt stated that she had an issue with the hardship.

Mr. Moreland stated that with the PUD Ordinance, City Council has already stated that this type of change to allow for a pool is supported.

**Roll call vote:** Ayes – Buck, Loretta, Moreland, Cummings  
Nays – Osewalt  
Motion carried with a vote of 4 to 1.

**(C) Case Number: BOA 14-100091**

**Applicant/Owner:** Double D Construction, LLC.

**Property Address:** 81 27<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a front yard of 20 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for side yards of 7.5 feet in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard of 12 feet in lieu of 30 feet required; 34-

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336(e)(1)e, for 45% lot coverage in lieu of 35% maximum, all to allow for a new single family dwelling **for property legally described as Lot 7, Block 3, Replat of Atlantic Shores Ocean Front Section C.**

**Applicant:**

The agent for the applicant, Steve Williams, 3731 Duval Drive, stated that the hardship is clear cut that the RS 1 zoning requires 10,000 square feet and the subject parcel only has 3500 square feet.

Mr. Williams pointed out two cases with the exact type of request with houses that turned out beautifully and there would be no negative impacts.

Mr. Buck stated that with any type of request in this neighborhood there are drainage concerns and asked how that was being addressed. Mr. Williams responded that they would create a gutter system and would work with the City as they did with the other homes.

Mr. Loretta asked if they cut into the inlet. Mr. Hays stated that the house would have gutters and have perforated pipes that would pop up into the right of way. Water would flow to the street.

Mr. Loretta stated that the surrounding neighbors felt it was not draining properly and asked if there was anything else to address drainage. Mr. Williams said they are open minded to the lot coverage issue and could build a ribbon driveway.

**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 person spoke in favor of the application:

Richard Abdullah, 428 17<sup>th</sup> Avenue North, stated that he had owned half of that block. There has never been anything done in the block that was detrimental to the neighborhood. He thought Mr. Williams would not be doing anything to negatively affect drainage. He stated that the City has done many things to address the drainage issue. He added that Mr. Williams will do the best for the area; there is nothing that the City should do to prevent development of a lot this size.

The following people spoke in opposition to the application:

Terrence Kelly, 25 27<sup>th</sup> Avenue South, stated that they owned a home adjoining east of the subject property line. Stormwater flooding issues are well-documented in this area of the City. Covering open lots with impervious surfaces challenges the ability to manage stormwater. He suggested the BOA postponed their decision until plans are submitted showing how the stormwater will be managed.

William Porch, 2519 1<sup>st</sup> Street South, introduced his realtor, Ed Huvay, 1903 New Haven Road, Jacksonville. He asked the Board to adhere to the setbacks that are adopted. Mr. Porch has a serious drainage problem on his property. He stated that there is runoff from the roof and land – guttering the roof will not address all runoff.

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Mr. Loretta asked if they could add a foot of dirt around the house. Mr. Porch stated that he could not afford it and it probably wouldn't address the issue.

Mr. Huvay added that it is not Mr. Porch's issue on how the property was built in the '20s. Mr. Porch has put a lot of money into his property and he should not be negatively affected by development of another property. Mr. Huvay stated that the edge of his building is 2 feet from the property line, so he will be affected by the 2 ½ feet requested by this variance.

Dan McPheron, 34 26<sup>th</sup> Avenue South, lives diagonally from the subject parcel. He stated that he had frequent flooding in his garage. Drainage is definitely an issue in this area.

**Rebuttal:**

Mr. Williams reminded the Board that he is working with an extreme non-conforming lot which is 35% of how large lots should be in this zoning category.

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

**Discussion:**

Ms. Osewalt clarified if the other two variances at 60 and 66 28<sup>th</sup> Avenue South were the same as this request. Mr. Williams responded yes.

Mr. Loretta asked Mr. Hays if code requires a swale to take water to the right of way. Mr. Hays responded that typical drainage is a common property line swale. It is the burden of the

developer to get the water to the right of way. Mr. Loretta asked if they could condition the request to require such a swale. Mr. Loretta felt driveway strips would also help address this issue.

Mr. Moreland added that for a standard size lot it is 15% lot coverage. This is quite a substandard lot. He stated that the other two properties weren't in a critical drainage area.

Mr. Loretta wanted to amend the motion to allow 43% lot coverage along with drainage swale to direct drainage to 27<sup>th</sup> Avenue South on the east and west side of the property along with an approved public works site plan.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 20 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for side yards of 7.5 feet in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard of 12 feet in lieu of 30 feet required; 34-336(e)(1)e, for 43% lot coverage in lieu of 35% maximum all to allow for a new single family dwelling along with a drainage swale to direct water towards 27<sup>th</sup> Avenue South right of way on the east and west side of the property beyond what is required by Public Works **for property legally described as Lot 7, Block 3, Replat of Atlantic Shores Ocean Front Section C.**

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**Roll call vote:** Ayes – Buck, Loretta, Moreland, Osewalt  
Nays – Cummings  
Amended motion carried with a vote of 4 to 1.

**(D) Case Number:BOA 14-100092**

**Applicant/Owner:** Corner Custom Lot Homes, LLC.

**Property Address:** 1156 14<sup>th</sup> Street North

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for a new single family dwelling **for property legally described as** Lot 3, Block 53, *Jacksonville Beach Section "A"*.

**Applicant:**

The agent for the applicant, Sean Budd, 3721 South DuPont Station Court, Jacksonville, stated that they were seeking a variance for lot coverage from 35% to 41%. The property is 5000 square feet in an R-2 zoning district.

Mr. Buck asked if this was the minimum square footage they could ask for. Mr. Budd responded yes.

**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 who wished to address the Board, Mr. Buck closed the public hearing.

**Discussion:**

Mr. Buck stated that they were building a house a couple of lots down, and our proportionality standards applied here.

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

**(E) Case Number:BOA 14-100096**

**Name of Applicant:** Planning and Development, on behalf of Theresa L. Bass

**Property Address:** 512 South 1<sup>st</sup> Street

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Moreland, **to rescind previously approved variance BOA Case No. 13-100145**, for side yards of 7.5 feet in lieu of 10 feet required per Land Development Code Section 34-340(e)(1)c.2 to allow for a new two-family dwelling **for property legally described as** the south 50 feet of Lot 1, Block 52, *Pablo Beach South*.

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**Applicant:**

The applicant, Theresa Bass, 512 South 1<sup>st</sup> Street, addressed the Board.

Mr. Buck reviewed the case and stated that the applicant had worked out a deal to rescind a variance. Ms. Bass asked if the variance BOA 04-1000386 received in December 21, 2004 was still valid. Mr. Buck stated that it was.

**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 who wished to address the Board, Mr. Buck closed the public hearing.

**Discussion:**

Mr. Moreland expressed concern that money could intimidate and rule.

Mr. Loretta reiterated that her variance approved December 21, 2004, BOA 04-1000386, was still in effect.

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

**Building Department Report:** The next scheduled meeting is Wednesday, August 6, 2014.  
There are currently three (3) 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  
Staff Assistant

Approval:

/s/Thomas Buck  
Chairman

Date: August 6, 2014