

Minutes of Board of Adjustment Meeting
held Wednesday, August 6, 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 *Absent*
Scott Cummings

Alternates:

Jeff Truhlar *Absent*
Francis Reddington

EX PARTE

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

Mr. Cummings and Mr. Moreland stated that they spoke with Mr. DeLoach regarding BOA 14-100100.

Mr. Loretta stated that he spoke with Mr. Welch regarding the variance process for BOA 14-100100.

Mr. Buck and Mr. Moreland stated that they spoke with Ms. Rick regarding BOA 14-100100.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the July 15, 2014 meeting minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

(A) Case Number: BOA 14-100093

Name of Applicant: Lawrence McGough

Property Address: 1827 Horn Street

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Loretta, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for an accessory structure for property legally described as Lots 1 and 2, Block 6, Williams Coastal Boulevard Heights.

Applicant:

Initially, the applicant did not appear to be in attendance. Mr. Mann stated that the Board could table the case until a future date. Mr. Loretta stated that he was willing to hear it. There was a motion to delay it to September, however the applicant identified himself and the motion was withdrawn.

The applicant, Lawrence McGough, 1827 Horn Street, stated that he was building a small storage which will be an accessory structure which will be 5 feet from the east and north property lines. He stated that the hardship is that there is no room in his garage for vehicles. This storage area will help to free up space in the garage.

Mr. Moreland asked if this is a substandard lot. Mr. McGough responded that the home covers the maximum, and this was a corner lot, so it would not look as bad. He has talked with 3 of the neighbors that reside around him and none of them have any issues.

Mr. Reddington asked if this was going to be a permanent structure.

Mr. McGough responded it would have a concrete foundation with hardboard exterior, same as the home that was there.

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.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for an accessory structure as discussed for property legally described as Lots 1 and 2, Block 6, Williams Coastal Boulevard Heights.

Roll call vote: Ayes – Buck, Loretta, Moreland, Cummings and Reddington
Amended motion carried unanimously.

(B) Case Number: BOA 14-100099

Name of Applicant: Michael Meiners

Property Address: 833 2nd Street South

Motion to Approve: It was moved by Ms. Cummings, seconded by Mr. Loretta, to approve a request for an easterly side yard of 2.6 feet and a westerly corner sideyard of 3.5 feet in lieu of 10 feet required to allow for improvements to a multi-family dwelling for property legally described as Lot 1, Block 82 Pablo Beach South.

Applicant:

The applicants, Michael and Carol Meiners, 1208 1st Street South stated that it was a narrow lot, and they would like to have 2000 square feet. The most they could get is 1400 square feet.

Mr. Moreland asked if this was currently a non-conforming lot.

Mr. Meiners stated that they were taking the current structure and extending back an additional 24 feet. Mr. Moreland confirmed that the requested setbacks are currently in place for the existing structure and they are adding additional square footage with the existing setbacks.

Mr. Buck stated that all they were doing was approving the existing non-conformity.

Mr. Loretta stated it was zoned multifamily. Mr. Meiners stated that they were maintaining three units on the property and merge one bedroom into one unit so they were maintaining 3 units.

Mr. Loretta asked where people parked. Mr. Meiners responded that the tenants park on the south side. Mr. Loretta stated it was difficult to approve a non-conforming use that doesn't meet parking.

Mr. Meiners stated that they will have parking and with the addition will hope to have a garage.

Mr. Loretta asked how will there be access to the garage. Mr. Meiners responded that the garage would be accessed from 2nd Street. Mr. Loretta asked about improvements to the rest of the property. Mr. Meiners stated that they would have to knock out some internal walls.

Mr. Moreland stated that currently there is a parking space on the street that will be lost if you make that driveway, so in fact you are not increasing the parking capability of the lot.

Mr. Mann added that if the driveway is permitted, any interfering public parking space would be eliminated.

Mr. Buck stated that if someone wants to park in the garage you may have part of a car hanging out and blocking the sidewalk. Mr. Loretta stated that is what is happening now.

Mr. Loretta stated that by code you are required to have six spaces and are not really solving the non-conforming aspect of the property.

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:

Barbara Galvin, 3594 Isabella Blvd., stated that there is parking on the south end of the building that was used by previous owners. If they are not changing the setbacks this should be approved.

The following people spoke in opposition to the application:

Terry Simmons, 15th Street, asked how big the lot was. If they were building from scratch could they build 3 units? Mr. Mann responded yes.

Jim Sorrell, 428 N 10th Avenue, stated that setbacks are being put back to where it is offensive to neighbors. Side setbacks should be more strictly enforced. He added that this is a terrible parking situation and the City needs to enforce parking and not add to the parking problems.

Rebuttal:

Mr. Meiners stated that the setbacks they are asking for are in place. There is a sizable parking lot to the east up against their lot. They are not infringing on their current neighbors.

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

Discussion:

Mr. Cummings stated he was uncomfortable taking away a public parking spot for their driveway.

Mr. Reddington opined that they were making a problem even bigger and that parking in that area is horrendous. He stated that cars are going to be on the sidewalk and people are going to have to walk in the street to get around the cars in the sidewalk.

Mr. Loretta added that this is a non-conforming lot and the setbacks are not that big of an issue and he would be willing to approve with them if they met parking requirements of six parking spaces.

Mr. Moreland stated that he would be more comfortable if they maintained the parking spaces. Mr. Loretta asked Mr. Mann if they could make a motion that they would be required to have six spaces.

Roll call vote: Ayes –
Nays – Buck, Loretta, Moreland, Cummings, and Reddington
Motion denied unanimously.

(C) Case Number: BOA 14-100100

Name of Applicant: Keith Pereau, Managing Member of Hawks Landing of Fleming Island II, LLC.

Property Address: 403 St. Augustine Boulevard

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for lot widths of 10.9 feet in lieu of 15 feet required for two interior town house lots, and for lot widths of 10.9 feet in lieu of 25 feet required for two exterior town house lots; for a 15 foot rear yard setback in lieu of 30 feet required for one four-unit and one five –unit townhouse structure; for a 0 foot driveway setback along interior town house property lines in lieu of 5 feet required , to wallow for common use driveways for one four-unit and one five-unit to allow for common use driveways for one four-unit and one five-unit townhouse structure, for property legally describes as Lots 4, 5, 10 and 11, Block 8, Atlantic Shores Unit 1 Replat.

Applicant:

The agent for the applicant, Brian Kientz, 79 Grand Park Drive, Jacksonville, 32259 hand out site plans.

The applicant, Keith Pereau, 7631 River Ave., Fleming Island, identified himself.

Mr. Kientz stated that Lot 11 is not part of the variance; this variance is only for Lots 4, 5, and 10.

These lots are zoned RM – 1 and zoning supports a two-story, five unit building on the west and a two-story, four unit building on the east. The hardship is caused by angling of the southeastern portion of the property. This narrow street frontage increases setback to 60 feet that reduces lot depth. Both of the two story structures meet or exceed the front

and side setbacks required by code. The rear setback goes from 30 feet to 15 feet so they can get building width to construct building. The owner will look at other options to develop maybe three stories, if the variance is not approved.

Mr. Reddington asked how many multi-family units are there in that area. Mr. Kientz was not certain. Mr. Reddington asked how this improves the neighborhood. Mr. Perea stated that this property was zoned for townhomes and the parcel was bought on the pretense that they could build townhomes. The product they built is compatible with the neighborhood.

Mr. Moreland stated that multi-family is a legitimate use for that property, but they were asking for a variance to put more on the parcel. Mr. Perea responded that if they built three stories they wouldn't need the variance.

Mr. Loretta asked Mr. Mann about their variance request. Mr. Mann stated that you were not required to build to minimum lot width.

Mr. Loretta asked if they would need approval for common driveways. Mr. Mann stated they may need a variance, if there were shared driveways; driveways are accessory structures and need to meet five foot accessory setback.

Mr. Reddington asked if they built three stories how many units would they have. Mr. Perea responded they would have nine units.

Mr. Buck asked about drainage. Mr. Perea stated that they would meet the drainage requirements per the City and the Water Management District.

Mr. Loretta noted that because they were getting more units on the east side of the site that is getting to the issue where it could be argued that they were creating their own hardship.

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:

Mike Garby, 1356 Woodridge Ave., Jacksonville, stated he purchased lot 11 and will be using it for a duplex. Mr. Loretta stated that Lot 11 may be non-conforming but may not allow a duplex. Mr. Mann stated that it is RS-2 and it is non-conforming. Mr. Garby stated that he had no problem with the proposed development.

The following people spoke in opposition to the application:

Michelle McCormick, 2677 Isabella Blvd., stated she was next door and that Isabella was a dead-end road that ends at Lot 5, and prefer it as a dead-end. It is quiet and they hoped that the development would stay within the integrity of the neighborhood. There would be 10 additional cars on the street resulting from this development. They have had trouble with their mail box being knocked down.

Mr. Loretta asked if they were a single family home and if they asked for a setback, would that be ok with a duplex. Ms. McCormick responded that she wasn't arguing the setback but rather the density.

Jeb Brannon, 3546 Bay Island Circle, stated that the area is congested already. The developer is putting as many units as they can. He would urge the Board to hold any development here to the requirements of the code. The developer stated that he could build without a variance so no variance should be granted. Mr. Brannon stated that he doesn't think they can meet any variance criteria.

Mr. Buck stated that the developer can do three stories without a variance; is that OK. Mr. Brannon stated that he heard developers say that before and his only point is that they should not be granted a variance because they meet none of the requirements.

Ted Berkstresser, 423 St. Augustine Blvd., had questions about the drainage. This plan does not address any drainage at all. He asked why the developer would not have to contain any water.

Mr. Buck stated that the Board was not charged with addressing the water issue.

Mr. Loretta added that they had to meet Water Management District rules. They would have to have on-site stormwater drainage. If they downsized the building they would not have to address on-site stormwater.

Michael DeLoach, 315 32nd Avenue South, built four homes in the neighborhood. He has never had to obtain a variance. He stated that they can build within the requirements. He thought that three story free-standing townhomes could be a credit to the neighborhood, but these \$400,000 units were cheap. Mr. DeLoach also expressed concern with the drainage issues, stating that water would be going into the homes.

Doug Hasty and Ann Jenson, 2701 Isabella Blvd., stated that they were trying to shoehorn nine townhomes into that square footage, and parking is an issue. This is going to exacerbate the issue. In addition, they were probably pulling out some healthy trees. Ms. Jenson asked why there was a single application for three lots. Mr. Loretta responded that they were going to divide the three lots into two townhouse projects. Ms. Jenson stated that this is doubling the traffic that is there.

Jim Sorrell, 428 10th Avenue South, stated that the biggest problem is with a contractor coming in with non-conforming development that is maximizing development out of

character with the neighborhood. He expressed concern about the impact to infrastructure in the City and asked if the City Council should have input.

Mr. Loretta stated this Board does not have that ability. The problem is we have a property owner who wants to develop and he should have the right to build something. There are rules for when you get a variance versus a PUD.

Mr. Moreland added that they have seen areas with consistent problems with the Code and City Council appointed them to make the hard decisions.

Charles Hutchison, 359 St. Augustine Blvd., stated that there was no time for the City to address the stormwater on the property. He added that the APA sets these types of setbacks for a reason and the increase in traffic will make getting in and out very difficult.

Terry Simmons, 1510 South 2nd Street, stated that there is no hardship.

Vera DeAngelo, 3162 Isabella Blvd., expressed concerns about flooding and traffic.

Paul Gisin, 359 St. Augustine Blvd., expressed concern about the dead-end. The residents should have to turn off of Osceola.

Barbara Galvin, Isabella Blvd., stated that this will crush the property values in the neighborhood. Cars will be in the street and block driveways, etc.

Rebuttal:

Mr. Kientz stated that most of the comments addressed why they should not get a variance. They feel that this is a better product with two story buildings. As far as flooding, everything will be designed in accordance with City and Water Management District.

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

Discussion:

Mr. Moreland stated that they had competing priorities with this case. He stated that two story homes will fit in the neighborhood, but with three story townhomes, they may decrease by one unit. He added that no hardship has been demonstrated.

Mr. Loretta stated that he believed that this is a self-imposed hardship because of how they are subdividing the lot. He thought they should modify their application. He thought they could build four townhomes that could meet code. It is not their job to tell a developer who has the appropriate zoning that they must build single family on a property zoned multi-family.

Roll call vote: Ayes –
Nays – Buck, Loretta, Moreland, Cummings and Reddington.
Motion denied unanimously.

Building Department Report: The next scheduled meeting is Tuesday, August 19, 2014.
There are currently seven scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:25 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

Thomas Buck /s/
Chairman

Date: September 16, 2014