

**Minutes of Board of Adjustment Meeting
held Tuesday, August 19, 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, *Absent*

Scott Cummings

Alternates: Jeff Truhlar

Francis Reddington

Ex parte Communications

Mr. Buck stated that he had spoken with Mr. Snyder concerning BOA 14-100107.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

- (A) **Case Number:** BOA 14-100102
Name of Applicant: Susan Mullaney
Property Address: 2043 2nd Street South, Unit B

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for 56% lot coverage in lieu of 47% maximum, and for accessory structure (patio) of 0 feet to property line in lieu of 5 feet minimum, required to allow for improvements to an attached single-family dwelling (two-family dwelling standard) for the property legally described as Lot 5, Block BB, Permenter's Replat of South Pablo or Atlantic Campgrounds.

Applicant:

Applicant, Susan Mullaney, 2043 2nd Street South, stated that she put in a small patio of pavers for an apartment on the first floor, covering less than 50%. It is a 10ft. x 20ft. patio behind a privacy fence. All gutters flow into a French drain and connect to the City sewer. She added she is not in a flood zone and that she is in violation because the development is side-by-side and not vertical.

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Mr. Loretta noted that the pavers go to the property line and that was the main issue. He asked if they talked with their neighbors regarding installation of the patio. Ms. Mullaney responded that her neighbors did not have any issues with the patio.

Mr. Loretta reiterated there was a concern about the pavement being installed to the property line.

Mr. Buck asked if there was any grass in the area of the fence.

Ms. Mullaney stated that there was no grass in this area of the lot.

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 commented that the French drain was taking the water away and there seemed to be no opposition.

Mr. Cummings asked what would happen if the variance was not approved.

Mr. Loretta advised that the property owner would be required to remove the patio.

Mr. Moreland added that the lot is extremely undersized for R-2 zoning.

Roll call vote: Ayes – Moreland, Loretta, Cummings, Truhlar, Buck; motion carried unanimously.

(B) **Case Number:** BOA 14-100103

Name of Applicant: Veronica Woodyard

Property Address: 1125 Theodore Avenue

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling for property legally described as Lots 4, 5 and 6, Block 10, Williams Coastal Boulevard Heights.

Applicant:

Applicant, Veronica Woodyard, 1125 Theodore Avenue, explained that she was requesting 49% lot coverage because the current 35% would not provide enough space for a deck area for her child, after a fence is installed.

Mr. Moreland stated this request is for a RS-2 lot. The minimum size is 7,000 square feet and is an oversized lot, however, the house is probably too large for the lot.

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Ms. Woodyard stated that the footprint was already approved when she acquired the property. She added that the child safety fence takes up the area needed for the deck.

Mr. Loretta advised that the Board could only act on the application for 44% lot coverage.

Ms. Woodyard stated that she was not aware that there was a requirement of 20 inches for the child fence to go out from the pool when she applied for the variance.

Mr. Loretta stated that the stormwater management dictates the requirement for 35% lot coverage.

Mr. Buck suggested that the applicant may be able to reduce other square footage to decrease the lot coverage, and questioned whether there was a hardship on the oversized lot.

Kevin Michaels of Blue Haven Pools addressed the Board and explained that the pavers would be sand set pavers. He further explained that this type of paver is not recognized as pervious, even though they are to a certain extent.

Mr. Buck remarked that the existing patio area could be used as additional decking.

Mr. Loretta advised the applicant that she could table her application and suggested that she talk with her neighbors to see how they managed with lower lot coverage.

Mr. Buck asked if they could live with less lot coverage.

Mr. Woodyard responded that she is trying to go about it the right way, but the pool is dug and it cannot be moved. She added that she could live with 40% but would prefer more.

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 he was in favor of a pool, but had issues with the increased lot coverage.

Mr. Loretta added that he was confident that there were four homes in the area where variances were granted.

Mr. Moreland stated, in his opinion, that this does not meet the criteria for a hardship and the Code is clear that there must be a hardship. He commented that the builder had closed out options for expansion.

Mr. Buck stated that he thought there was room to maneuver.

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Mr. Moreland added that the concrete in the back is clearly an option, and it could be cut back considerably.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Cummings, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling for property legally described as Lots 4, 5 and 6, Block 10, Williams Coastal Boulevard Heights.

Roll call vote: Ayes – Cummings, Truhlar, Loretta, and Buck.
Nays – Moreland.
Amended motion was approved by a vote of 4 to 1.

(C) **Case Number:** BOA 14-100104
Name of Applicant: Jeffrey Distefano
Property Address: 3524 1st Street South

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for 49.7% lot coverage in lieu of 47% maximum and for a parking area setback of 1 foot in lieu of 5 feet minimum to the northerly property line to allow for improvements to a single-family dwelling for property legally described as Lot 2, and the west 20 feet closed street lying east thereof, Block 4, Atlantic Shores Replat Division.

Applicant:

Applicant, Lisa Distefano, 3524 South 1st Street, advised that there are parking issues on the street and a new home removed approximately 50% of the street parking. She added that she had elderly parents and had no parking.

Mr. Buck asked if this was similar to others in the area. Ms. Distefano responded in the affirmative.

Mr. Loretta asked about the proposed plans for the driveway. Ms. Distefano stated that there was a cable box there and they would be required to pay to have it relocated; otherwise, the driveway would be moved to the north.

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:

- Richard Dennis, 3516 1st Street South, stated that he thought the request was reasonable, as parking in the area was difficult.
- Dan Broderick, 3618 1st Street South, concurred with Mr. Dennis that this was a reasonable request.

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

Discussion:

A brief discussion regarding the undersized lot took place.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 49.7% lot coverage in lieu of 47% maximum and for parking area setback of 1 foot in lieu of 5 feet minimum to the northerly property line to allow for improvements to a single family dwelling for property legally described as Lot 2 and the west 20 feet closed street lying east thereof, Block 4, Atlantic Shores Replat Division as shown and submitted.

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

(D) **Case Number:** BOA 14-100107
Name of Applicant: Christopher Drew Snyder
Property Address: 45 Millie Drive

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Loretta, to approve a request for a front yard of 6.73 feet in lieu of 20 feet required, and for 38% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling for property located at 45 Millie Drive, legally described as Lot 7, Block 4, Hannah Terrace.

Applicant:

Applicants, Christopher and Angela Snyder, 45 Millie Drive, explained that they were requesting 38% lot coverage. Mr. Snyder stated that the hardship was that prior to moving into the property in 1997 the carport was enclosed. He stated that he purchased a new car and now there was concern about the need to add a covered garage.

Mr. Moreland asked about the map. Mr. Snyder stated that it was an extension of the house interior.

Mr. Loretta stated this was a difficult request because of the type of changes that were requested.

Mr. Moreland stated that the extension would affect the site lines down the street, and asked if the neighbors were consulted. Mr. Snyder stated that the neighbors were not opposed.

Mr. Loretta questioned whether there was a hardship, and if a different design would be better.

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:

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- Randy Dunlap, 32 Millie Drive, stated that the neighborhood was changing and expressed his support for the variance.
- Helena Holmes, 40 Millie Drive, spoke in favor of the variance and said that she thought that the addition of a garage would improve the neighborhood.

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

Discussion:

Mr. Buck stated that he didn't have any concerns with the request.

Mr. Cummings noted that the neighbors were in favor of the addition.

Mr. Loretta stated that his concern would be if everyone did this, it would create a parking issue in the neighborhood. A different plan may be better to redevelop this property. With this variance, they (Board) would be allowing a 22-foot garage to be built in the front yard of the home.

Mr. Moreland expressed concern about the line of sight issues with this being the first one garage proposed. He stated that parking on the street is already an issue.

Mr. Loretta added that he would be more in favor of a side yard setback to allow for parking in the back.

Roll call vote: Ayes– Buck.
Nays – Cummings, Moreland, Truhlar, and Loretta.
Motion denied by a vote of 4 to 1.

(E) Case Number: BOA 14-100108

Name of Applicant: Anne Biondo

Property Address: 234 St. Augustine Boulevard

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Loretta, to approve a request for a front yard of 15 feet in lieu of 25 feet required; a south easterly side yard of 5 feet in lieu of 10 feet required; for a rear yard of 10 feet in lieu of 30 feet required, and for 45% lot coverage in lieu of 35% maximum for a new single family dwelling for property legally described as Lot 13, Block 22, Replat of Unit Number 1, Atlantic Shores.

Applicant:

Larry Rice, 12 Ponte Vedra Circle, agent for the applicant, requested a continuance to October; granted.

(F) Case Number: BOA 14-100109

Name of Applicant: Terry Lee Peterson Trust c/o Michael Kirton

Property Address: 1323 South 2nd Street and 1376 South 14th Avenue

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Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Loretta, to approve a request for exterior and corner side yards of 5 feet in lieu of 10 feet required; for rear yards of 20 feet in lieu of 30 feet required; and for 72% lot coverage in lieu of 65% maximum to allow for a 5 unit townhouse development for property located at 1323 South 2nd Street and 137 South 14th Avenue, legally described as Lots 7 and 8, Block 132, Pablo Beach South.

Applicant:

Ken Atlee, 1031 1st Street South, agent for the applicant, stated that most of the newer units have requested variances for the floor plan so they can be competitive in the market place.

Mr. Moreland asked if there is anything besides financial hardship for why they need five units. Mr. Atlee stated that there were a number of iterations from two to eight units, and they felt they could build a better product with the variance.

Mr. Moreland stated that there is a parking problem in this area of the City and the requested variance would further the problem.

Mr. Atlee stated that four units would still result in those parking spaces going away without the variance. He described why this floor plan would be the preferred for this parcel.

Mr. Loretta expressed his opinion that a motion may be necessary to provide for parking in this area.

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:

- Mike Watson, 1330 2nd Avenue, South, Unit B, submitted a petition to the Board. Mr. Loretta read into the record that there were 13 people in opposition. Mr. Buck asked if the people who signed the petition were going to speak tonight, advising that the Board did not need to hear the same comments. Mr. Watson read the petition, which expressed concern about safety, parking, and property values. Mr. Watson also noted that the reference to variances to other parcels were not for the same issue and questioned whether there was hardship.
- Dr. Susan King, 1330 2nd Avenue South, Unit C, expressed her concern about traffic issues in this area and creation of additional congestion at an already congested intersection.
- Denise Watson, 1330 2nd Avenue South, Unit B, emphasized that there are currently six driveways entering that street, in addition to the pedestrian traffic. She suggested that the driveways open onto 14th Street.
- Patrick McCarthy, 1330 2nd Avenue South, Unit F, expressed his concerns about the parking and removal of four parking spaces.

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- Mike Brewer, 131 14th Avenue South, questioned whether there was a hardship, because other properties in the area were built and marketed according to the rules. He also expressed concern about the traffic and thought that access onto 14th Street was preferable.

Rebuttal:

Mr. Atlee compared this variance to others, noting that the other developments cited by Mr. Brewer did receive variances. He added that there would be increase in traffic regardless of who developed that area and that there would be more parking if it was added on 14th Street. He thought traffic control, such as a stop sign, could improve access to the street.

Mr. Loretta asked Mr. Atlee to explain the hardship.

Mr. Atlee responded that they needed wider units to be more competitive.

Mr. Loretta asked if he could work with two side yard setbacks of 5 feet in lieu of 10 feet, as he would be more in favor of a 20-foot rear than 5-foot sides.

Discussion followed on the issue of the stop sign.

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

Discussion:

Mr. Buck asked if they could remove the rear setback and the lot coverage and keep the 5-foot setback as requested.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for exterior and corner side yards of 5 feet in lieu of 10 feet required to allow for a 5 unit townhouse development for property located at 1323 South 2nd Street and 137 South 14th Avenue, legally described as Lots 7 and 8, Block 132, Pablo Beach South.

Roll call vote: Ayes – Buck and Truhlar.
Nays – Cummings, Moreland, and Loretta.
Motion denied by a vote of 3 to 2.

Roll call vote on the original motion: Ayes - 0
Nays – Buck, Truhlar, Cummings, Moreland, and Loretta.
Motion unanimously denied.

(G) **Case Number:** BOA 14-100110
Name of Applicant: Michael and Julia Bluet
Property Address: 2905 South Ocean Drive

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Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a front yard of 17 feet in lieu of 25 feet required; for side yards of 5 feet in lieu of 10 feet required; and 45% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling for property legally described as Lot 15, Block 1, Perry and Perry's Replat of Atlantic Shores, Oceanfront Division Section C.

Applicant:

Applicant, Michael Bluet, 2905 South Ocean Drive, stated that the lot is non-conforming and because of this, they need latitude in the position of the structure and need to fill to build the lot up based on DEP requirements. There is currently a 5-foot easement on the lot line.

Mr. Buck asked if there is a 5-foot walkway and that they would be 10 feet from the lot line. Mr. Moreland requested confirmation that the walkway will be unimpaired.

Mark Major, 515 3rd Street, Neptune Beach, agent for the applicant, reviewed the site plan and the basis for the request. He reviewed the constraints of the undersized lot and added that the vertical dimension of the house is being squeezed, based on the amount of fill necessary. He stated that the quality of the house would be much better than the barn.

Discussion followed on the types of pavers and the retaining wall that will be built to address the fill issue.

Mr. Buck asked if they had talked with the neighbors. Mr. Bluet stated that the ones that he has spoken with have no issues with the variance.

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:

- Dr. Robert Grovenstein, 3007 Ocean Drive, stated that the neighborhood is changing quite a bit. The request for concession to allow for construction on this vacant lot is in keeping with the neighborhood.

The following person spoke in opposition to the application:

- Damon Policina, 6829 Avenue South, spoke against the request, expressing concern about the impediment to the view that would result from permission of this variance. This lowers the investment value of his property.

Mr. Loretta stated that they would not need a setback if they realigned the house plans.

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

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Discussion:

Mr. Loretta stated that he would like to add “as shown and discussed”, to the motion.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 17 feet in lieu of 25 feet required; for side yards of 5 feet in lieu of 10 feet required; and 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling for property legally described as Lot 15, Block 1, Perry and Perry’s Replat of Atlantic Shores, Oceanfront Division Section C, as shown and discussed.

Roll call vote: Ayes – Moreland, Cummings, Loretta, Truhlar, and Buck; amended motion unanimously approved.

Building Department Report: The next scheduled meeting is Tuesday, September 16, 2014. There are currently seven (7) 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
Staff Assistant

Approval:

Thomas Buck /s/_____

Chair

Date: October 7, 2014