

Minutes of Board of Adjustment Meeting
held Tuesday, October 7, 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

Exparte Communications

There were no ex parte communications.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the August 19, 2014 and September 16, 2014 meeting minutes as submitted.

Correspondence

There was no correspondence.

OLD BUSINESS:

(A) Case Number: BOA 14-100108

Name of Applicant: Anne Biondo

Property Address: 234 St. Augustine Boulevard

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 15 feet in lieu of 25 feet required, for 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, to allow for a new single family dwelling.

Applicant:

Larry Rice, 12 Ponte Vedra Circle, stated the hardship is the non-conforming lot size of 50 feet by 120 feet. There is a Kangaroo Station across the street.

Mr. Rice stated that by allowing a front yard of 15 feet in lieu of 20 feet, the garage can be closer to the front of the yard, hiding some of the glow from the Kangaroo station lights. The side yard of 5 feet will allow for proper radius to turn into the garage and will be consistent with the adjacent property. The rear yard variance should not have an adverse effect on the two homes behind them.

Mr. Loretta asked where was the driveway/garage located. Mr. Rice responded that it was a side entry garage.

Mr. Moreland stated it was a nice design with the 10 foot backyard, but asked if there would be as much privacy if they moved the house forward. Mr. Rice responded that the plan was to get privacy from both ways.

Mr. Loretta stated the way the buildings are designed, they would have to consider the potential of living space over the garage.

Mr. Moreland added that he didn't think about the noise and visual impact.

Mr. Loretta asked Mr. Hays if the 5 foot setback is missing from this request – it should be 1 foot instead of 5 feet for the driveway. Mr. Hays agreed. Mr. Loretta asked about the width of the driveway.

Mr. Rice thought it could be redesigned.

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 it is a substandard lot and, with the gas station across the street, it was a pretty good design.

Mr. Loretta asked that the motion be amended to add 'as shown and discussed, including reference to a side entry garage'.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 15 feet in lieu of 25 feet required, for 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 to allow for a new single family dwelling, as shown and discussed, including reference to a side entry garage.

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

NEW BUSINESS:

(A) Case Number: BOA 14-100121

Name of Applicant: Gail Backfisch (Cloninger)

Property Address: 102 Rita Rae Lane

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 19.4 feet in lieu of 25 feet to allow for improvements to a single family dwelling.

Applicant:

James Backfisch, 102 Rita Rae Lane, stated that they need another bathroom downstairs. They are trying to go off the front where the utilities are five feet, and trying to make entry way for the front of the house.

Mr. Buck asked if there were any neighbor comments. Mr. Backfisch responded that he knew of none.

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 they typically ask applicants for the minimum and that is what we have here.

Mr. Loretta asked to add 'as shown and discussed' to the application.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 19.4 feet in lieu of 25 feet, to allow for improvements to a single family dwelling, as shown and discussed.

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

(B) Case Number: BOA 14-100122

Name of Applicant: Michael Meiners

Property Address: 833 2nd Street South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a corner side yard of 5.3 feet in lieu of 10 feet required, and for a rear yard of 16.2 feet in lieu of 30 feet required, to allow for improvements to a multi-family dwelling.

Applicant:

Michael Meiners, 1031 1st Street South, stated that they are trying to increase the available parking lot which would create a secluded yard for their children.

Mr. Buck asked about the parking. Mr. Meiners stated that they would have a 2-car garage and spaces for 2 cars in the driveway, which was off the alley.

Mr. Loretta asked what the setback from the alley was. Mr. Meiners responded that it was 16.2 feet.

Mr. Loretta asked if the new structure will be 30 ft. X 38 ft. with the 16.2 foot setback. Mr. Meiners confirmed same.

Mr. Moreland asked why the new structure was not moved toward the east, then not need as much of a variance. Mr. Meiners responded that they want it closer to the west, where there would be grass for the children to play on. Mr. Loretta noted that there would then be a need for a variance on that side.

Mr. Loretta asked if the new structure could be any smaller. Mr. Meiners responded that they could probably add another foot to the driveway to make it 30 ft. x37 ft.

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:

Steve Howard, 1031 1st Street South; he thought it would be a good addition.

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

Discussion:

Mr. Buck stated that he remembered this property from another meeting and there was a lot of conversation about the driveway on 2nd Street, but with these changes it will go to the alley.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a corner side yard of 5.3 feet in lieu of 10 feet required and for a rear yard of 17.2 feet in lieu of 30 feet required to allow for improvements to a multi-family dwelling.

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

(C) Case Number: BOA 14-100128

Name of Applicant: Clarke B. Rudd

Property Address: 121 17th Avenue North

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 48% lot coverage in lieu of 35% maximum, for accessory structure (east side pool deck) 2 feet to a property line in lieu of 5 feet minimum, to allow for a swimming pool addition to a single family dwelling.

Applicant:

Clarke Rudd, 121 17th Avenue North, stated that this property was divided about 10 years ago. They have a shared driveway that meanders to the property. It is a lot of coverage that they can't deal with. They are having to push the pool as far as they can.

Mr. Loretta asked about the house to the east. Mr. Rudd said it was imposing. Mr. Rudd stated that when he bought the house it was a duplex and it is being converted back to single family.

Mr. Loretta asked about the coverage to the east of the garage. He stated that there seemed to be a lot of open space. Mr. Loretta confirmed that they are only adding a deck and a pool. He asked if this was the minimum they needed for the pool.

Mr. Rudd responded that the biggest part of the deck is what is coming off of the house and he was not sure if it could be made any smaller. It will be pavers and not cement.

Mr. Moreland asked about the existing lot coverage. Mr. Loretta noted that it was 36.5%, stating it looked like it was 46.8%, and he was not certain how it got to 48%.

Mike Formaca, contractor with Sun Rise Pools, stated that he did the calculations but did not have his notes with him.

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. Cummings asked the applicant how much space is needed from the driveway to the decking of the pool.

Mr. Loretta stated that basically he has a wall there, so storm water wouldn't get through. The 5 ft. setback isn't an issue because of the wall.

Mr. Cummings thought it was odd shaped property because of the way he had to share the driveway and put the garage way in back. Mr. Moreland added his concerns that it was an over-sized lot.

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

(D) Case Number: BOA 14-100129

Name of Applicant: Dean and Cathy Hilf

Property Address: 3627 1st Street South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 42% lot coverage in lieu of 35% maximum, and for an accessory structure (driveway and walkway) 2.5 feet to northerly property line in lieu of 5 feet minimum required, to allow for improvements to a single family dwelling.

Applicant:

Cathy and Dean Hilf, 3627 1st Street South, stated that the hardship is the substandard lot and they would like to add more parking for themselves and visitors. In addition, there are safety concerns. It is easier to pull out in front rather than backing out, taking into account the many bicyclists in the area.

Mr. Loretta asked the applicant to confirm that there are no revisions to the house – this is just a request to allow for a circular drive to help with ingress and egress. Ms. Hilf confirmed same.

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:

Tri Dinh; stated that he supports the variance request.

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

Discussion:

Mr. Moreland stated that he walks in the area and street parking is a pain. In addition, there are many of bicyclists. He thought this was a reasonable request and he is in favor of any proposal to alleviate the parking issues in this area of the City.

Mr. Loretta suggested including the language ‘as shown and submitted’ to the request. Mr. Loretta stated that if they were ever to come back a different variance (a pool) it should be noted this variance was simply to help with ingress and egress.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 42% lot coverage in lieu of 35% maximum, and for an accessory structure (driveway and walkway) 2.5 feet to northerly property line in lieu of 5 feet minimum required, to allow for improvements to a single family dwelling as shown and submitted.

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

(E) Case Number: BOA 14-100131

Name of Applicant: Karen Ansell

Property Address: 1624 North 3rd Avenue

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a westerly side yard of 8.9 feet in lieu of 10 feet required, to allow for improvements to a single family dwelling.

Applicant:

Agent for the applicant, Susan Crowell, 1118 Hunter Cove Drive, stated that they wanted to add 12 ft. X 17 ft. to add a master bedroom and bathroom space.

Mr. Moreland confirmed they want to add to the house and follow the same line that exists now. Ms. Crowell stated that there were other houses in the neighborhood that wanted to do the same thing.

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 was a minimal request.

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

(F) Case Number: BOA 14-100132

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

Property Address: 1323 2nd Street South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for corner side yard of 7.5 feet in lieu of 10 feet required, for a rear yard of 25 feet in lieu of 30 feet required, for 54% lot coverage in lieu of 35% maximum, to allow for a two family dwelling.

Neither the applicant nor a representative was present.

Mr. Buck asked if this was one that was postponed before. Mr. Cummings stated that it was one that was previously turned down because of parking on 2nd Street. The neighbors were opposed to it.

It was moved by Mr. Loretta, seconded by Mr. Cummings, to reschedule the two cases (14-100132 & 14-100133) to the next available meeting.

Roll call vote: Ayes – Loretta, Moreland, Cummings, Truhlar and Buck.
Motion to reschedule carried unanimously.

(G) Case Number: BOA 14-100133 – Rescheduled

Name of Applicant: Terry Lee Peterson Trust, c/o Michael Kirton
Property Address: 137 14th Avenue South

(H) Case Number: BOA 14-100134

Name of Applicant: Stephanie Cunningham
Property Address: 1212 22nd Street North

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 18.83 feet in lieu of 20 feet required, for a corner side yard of 14.75 feet in lieu of 20 feet required, and for a rear yard of 19.625 feet in lieu of 30 feet required, to ratify existing non-conforming front yard and allow for improvements to a single family dwelling.

Applicant:

Stephanie Cunningham, 1212 22nd Street North, stated that they wanted to add on to the master bathroom. They wanted to add six feet to the side of the house.

The bonus room is a screened in porch, and it would be an enclosed structure.

Mr. Loretta asked what was the hardship. Ms. Cunningham stated that this would allow them to maintain the trees. Ms. Cunningham stated that this house was situated in a strange way on this lot. She added and submitted that the neighbors signed a petition in favor of the proposal. Mr. Loretta noted that eight people signed the petition in favor.

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 was a reasonable request.

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

Building Department Report: The next scheduled meeting is Tuesday, October 21, 2014.
There are currently three (3) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/ Thomas Buck
Chairman

Date: November 5, 2014