

**Minutes of Board of Adjustment Meeting
held Tuesday, December 2, 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 Chair
Scott Cummings

Alternates:

Jeff Truhlar *Absent*
Francis Reddington

Ex parte Communications

There were no ex parte communications disclosed by the Board members.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Cummings, and passed, to approve the minutes of October 21, 2014 and November 5, 2014 as presented.

Correspondence

There was correspondence that would be reviewed during the case in which it pertained.

OLD BUSINESS:

There was no old business.

- (A) **Case Number:** BOA 14-100164
Name of Applicant: Gerri Obi
Property Address: 2898 St. Maarten Court
Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for 49% lot coverage in lieu of 45% maximum to allow for a patio and walk improvement to a

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single-family dwelling unit for property legally described as Lot 123, Ocean Cay Unit One.

Applicant:

Gerri Obi, 11032 River Park Drive, Jacksonville, stated that there was no room in the back for lawn chairs and they want to put pavers down for a patio.

Mr. Buck asked about the square footage. Mr. Hays stated that it was a PUD so there were no conforming lots but there were requirements for the PUD.

Mr. Loretta asked if they had concurrence from the HOA. Ms. Obi stated that she had submitted the approval with her correspondence. Mr. Loretta stated that he did not see it in their packets.

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 stated that because it was in a PUD and there are no standards and the HOA approved it, he did not see any problems with the request.

Mr. Cummings noted that it was corner lot.

Amended Motion: Mr. Moreland made an amended motion to approve a request for 49% lot coverage in lieu of 45% maximum to allow for a patio and walk improvement to a single-family dwelling unit for property legally described as Lot 123, Ocean Cay Unit One, with the amendment that it be conditioned upon the applicant providing proof of HOA approval. Ms. Osewalt seconded the amended motion.

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

(B) Case Number: BOA 14-100167

Name of Applicant: David Sacks

Property Address: 115 8th Avenue North

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a front yard of 0 feet in lieu of 10 feet required,

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to allow for improvements to an existing structure for property legally described as the West 46 feet of Lot 1 and the South 18 feet of the West 46 feet of Lot 2, Block 96, Pablo Beach Improvements.

Applicant:

The applicant, David Sacks, 115 8th Avenue North, stated that he could not get out of the garage. He stated that he appeared before them a couple months ago and all they want to do is build a carport. They are not going past the corner of the house that is already there.

Mr. Buck asked if they would go beyond the roof line. Mr. Sacks responded that they would not.

Mr. Buck asked if they removed the palm tree. Mr. Sacks stated they didn't have to.

Mr. Loretta stated that the row of palm trees comes out into the right of way. Mr. Buck asked Mr. Sacks to explain his exhibits and the direction of the photos.

Mr. Loretta stated that they could park a car there right now. Mr. Sacks stated yes, but they wanted to get it covered, and that he can't use the garage.

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor or in opposition to the application.

Ms. Osewalt noted that she had a card for someone in favor of the proposal but did not request to address the Board.

Discussion:

Mr. Buck stated that the last time they looked at the proposal it seemed like there was a deck and now that was not in the proposal, so he did not have a problem with this proposal.

Amended Motion: Mr. Loretta made an amended motion to approve a front yard of 0 feet in lieu of 10 feet required, to allow for improvements to an existing structure for property legally described as the West 46 feet of Lot 1 and the South 18 feet of the West 46 feet of Lot 2, Block 96, Pablo Beach Improvements, as shown and submitted. Mr. Moreland seconded the amended motion.

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

(C) Case Number: BOA 14-100168

Name of Applicant: Janet Naples

Property Address: 910 Owen Avenue

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, for 43% lot coverage in lieu of 35% maximum and for accessory structures (patio) 2.33 feet and 0 feet for a corner side yard and rear yard respectively, in lieu of 5 feet minimum to property line, to allow for improvements to a single-family dwelling.

Applicant:

The agent, Debra Naples, 805 18th Street North, stated that the side yard is on a slope and they want to build a patio that was level and would be lower maintenance. Ms. Naples mother lives here.

Mr. Loretta asked if there was a way to make this patio 15 feet. Ms. Naples responded that the fence is well within the side yard property. Ms. Naples stated that her mother wanted to extend it close enough to the fence so she wouldn't have to do yard work. Mr. Loretta added that she is taking it all the way to property line. Ms. Naples stated that it went to the edge of the house.

Mr. Buck noted that the diagram shows the pavers going all the way to the back of the lot. Ms. Osewalt agreed that the drawing does not show what the agent stated. Mr. Buck noted that it was an oversized lot for RS-2.

Mr. Moreland asked if the pavers that were stacked were never laid. Ms. Naples responded that they pulled them out and put others in. Mr. Moreland asked about what side of the house the paved area was on. Ms. Naples responded the north side.

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

- Susan Billeb, 952 Owen Avenue, stated that she was opposed to it because the pavers were already put in. The owner has paved all the way to their property. The fence was not right on the property line but was very close to it. The pavers are causing a hardship. The runoff here goes west to east and with heavy rains the water dams up and takes longer to drain off.

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Mr. Loretta noted that the picture she showed is different than the pavers that the applicant had shown.

Mr. Moreland asked Ms. Naples to clarify the proposal. Ms. Naples showed the Board what was paved. Mr. Loretta noted that the whole back yard was basically pavers.

Discussion:

Mr. Loretta showed Ms. Naples the areas of the yard with pavers.

Ms. Osewalt asked if the work was already completed. Ms. Naples responded that she was not certain. Ms. Osewalt believed that she did not have a permit to do this work.

Motion to Postpone: Mr. Moreland moved to postpone this to the next meeting because of conflicting testimony.

Motion to postpone did not receive a second; failed.

Mr. Hays noted that the application has been submitted and the variance would be approved or denied based on the application.

Ms. Osewalt stated that her concern was that they were trying to manipulate a variance.

Mr. Reddington stated that his concerns were the neighbor's yard that was flooding.

Ms. Osewalt asked if there was a hardship for this property.

Amended Motion: Mr. Loretta made an amended motion for 40% lot coverage in lieu of 35% maximum for accessory structures (patio) 2.33 feet for a corner side yard to allow improvements for a single-family dwelling.

Amended motion failed due to lack of a second.

Roll call vote: Nays – Buck, Moreland, Loretta, Osewalt, and Cummings; motion denied unanimously.

(D) Case Number: BOA 14-100170

Name of Applicant: Carolyn Apperson

Property Address: 3872 Tropical Terrace

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, for a southerly side yard of 6 feet in lieu of 10 feet required,

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and for 38% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The agent, Jennifer Hewitt-Apperson, 2084 Herschel Street, Jacksonville, stated that the lot is substandard in an RS-1 zoning district. The parcel size does not match the zoning of the property. She stated that the applicant is seeking to construct a single-family house

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

- James Johnson, 3892 Tropical Terrace, spoke against the proposed variance. He stated that other applicants have been denied for side yard setbacks. The proposed setback was too small. He noted that there are already houses with 10 foot setbacks. He added that there was no hardship and this would be a bad precedent.

Mr. Loretta stated that it appeared that some homes along the street had less than a 10 foot setback. Mr. Buck added that the lot was substandard.

Ms. Hewitt-Apperson stated that they are not seeking to build anything out of character that is already constructed.

Discussion:

Ms. Osewalt asked whether these houses had obtained variances. She added that she would be more comfortable with uniform setbacks rather than 10 and 6.

Mr. Buck stated that he did not see an issue with this.

Mr. Loretta added that this was not an excessive request.

Roll call vote: Ayes – Buck, Loretta, and Osewalt.
Nays – Moreland and Cummings.
Motion carried with a 3 to 2 vote.

(E) Case Number: BOA 14-100173

Name of Applicant: Bottom Line Ventures

Property Address: 1009 North 23rd Street

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, for 38% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

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Applicant:

The agent, Tim Millard, 230 15th Street South, stated that this was a substandard lot and if this was a standard it would be well under the 35% lot coverage required.

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 substandard lot.

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

(F) Case Number: BOA 14-100174

Name of Applicant: Brian Kelly

Property Address: 109 12th Avenue North

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, for a northerly side yard of 2.3 feet and a corner side yard of 9 feet in lieu of 10 feet required; for a 6.8 foot rear yard in lieu of 30 feet required; for one (1) 9 ft. x 17 ft. on-site parking space in lieu of four (4) 9 ft. x 17 ft. parking spaces required to allow for a substantial improvement to an existing multi-family dwelling.

Applicant:

The agent, Edward Jones, 10168 Carrol Road, Jacksonville stated that the existing requirements do not allow for an expansion. They are asking for relief so that they can add a story and make it into a duplex. They will build over what is already there.

Mr. Loretta asked why it was not zero foot on the front property line. Mr. Hays stated that is the 9 feet. Mr. Loretta stated the pictures shown do not match. Mr. Jones explained the proposal.

Ms. Osewalt asked about parking. Mr. Jones stated that they currently park on 12th Avenue. They will now include parking on the site.

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Mr. Loretta clarified that the 9 foot setback is just to a line, with the rest being 13 feet. The walkway up to the 2nd and 3rd floor is the only part where the 9 feet comes out. Mr. Jones added that there would be extensive modifications to the structure to allow for the 3rd floor.

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

- Maxine Gillman, 1330 21st Street North, stated that this was a dilapidated old building that the applicant purchased, fixed it up, and now it was an asset to the neighborhood. She said that what the owner has done so far is wonderful. Ms. Gillman added that she represented four other ladies here.
- Marcus Campfe, 422 13th Avenue North, stated that they have increased the value to the community and the variance should be granted.
- Joel Crespin, 1201 1st Street, agreed that the corner this house is on looks great. He was concerned about parking for the residents of this parcel. Mr. Loretta stated that they are reducing the units from 4 units to 2 units. Mr. Crespin stated that they were reducing parking spaces and that there was some on the site.

Mr. Moreland stated that there was no approved parking on the site right now.

- Carol O'Donoghue stated that the property has been vacant for at least 9 years.
- Jaime Pearl, 115 12th Avenue North, stated that the property improvements were an asset for the community. The house has been vacant for many years.

Mr. Buck stated that David Kemfe was in favor, but did not wish to speak.

Mr. Jones noted that there was no parking on site now. In this variance there is on-site parking requested, which is better than exists now. Mr. Loretta asked why they were not putting all parking on the site. Mr. Jones stated that it would be difficult due to the configuration of the building. Mr. Loretta stated that they could work with Public Works to stripe out to provide patron parking.

Discussion:

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Ms. Osewalt stated that the Land Development Code required 4 spaces for 2 units.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Ms. Osewalt, for a northerly side yard of 2.3 feet and a corner side yard of 9 feet in lieu of 10 feet required and for a 6.8 foot rear yard in lieu of 30 feet required to allow for substantial improvement to an existing multi-family dwelling, as submitted and discussed.

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

Building Department Report: The next scheduled meeting is Tuesday, December 16, 2014.

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:

/S/ Scott Cummings

Chairman

Date: January 2, 12015