

Minutes of Board of Adjustment Meeting  
held Tuesday, January 6, 2015, 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 Osewalt.

### **Roll Call**

Tom Buck  
Joseph Loretta  
John Moreland  
Sylvia Osewalt, Chairman  
Scott Cummings, Vice-Chairman

Alternates:  
Jeff Truhlar  
Francis Reddington

### **Exparte Communications**

Mr. Reddington stated that he communicated with a neighbor concerning BOA No. 14-1000189.

### **Approval of Minutes**

There were no minutes to approve.

### **Correspondence**

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

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **(A) Case Number: BOA 14-100169**

**Name of Applicant:** Anne Biondo

**Property Address:** 234 St. Augustine Blvd.

**Motion to Approve:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a parking area setback of 1 foot in lieu of 5 feet minimum to a

property line (northeast property line), and for clarification that the previously approved 5 foot side yard is located on the westerly side of the property as indicated in the application site plan to allow for a new single family dwelling.

**Applicant:**

Larry Rice, 12 Ponte Vedra Circle, stated that to turn into the driveway they will need to get it close to the property line. Mr. Hays stated that the description of the easterly side yard was incorrect. The one foot side yard was on the plan but was not approved at the previous meeting.

Mr. Loretta stated that they had talked about it at the previous meeting. Mr. Rice stated that they talked about it but it wasn't addressed in the motion.

Mr. Moreland asked when construction would commence. Mr. Rice responded that they still needed to get HOA approval. He stated that if they join the HOA they want a turn-around spot.

**Public Hearing:**

Ms. Osewalt 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, Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Buck stated that he remembered discussions about the garage and how they would get into it.

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

**(B) Case Number: BOA 14-100181**

**Name of Applicant:** Bottom Line Ventures, Inc.

**Property Address:** 202 South 21<sup>st</sup> Avenue

**Motion to Approve:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a rear yard of 18.5 feet in lieu of 30 feet required to allow for a new single family dwelling.

**Applicant:**

The applicant, Tim Millard, 230 15<sup>th</sup> Street South, stated that it was a 35 X 80 foot lot. Mr. Millard stated that he had asked for a 17 foot front yard setback, but he has

resubmitted to take 3.5 feet from the rear yard to address those concerns. Mr. Millard stated that previous variances addressed side yard setbacks.

**Public Hearing:**

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

Seeing no one who wished to address the Board, Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Moreland stated that Mr. Millard was submitting what was previously recommended.

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

**(C) Case Number: BOA 14-100186**

**Name of Applicant:** JWB Construction, Jessica Wilson

**Property Address:** 823 South 3<sup>rd</sup> Avenue

**Motion to Approve:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a front yard of 18 feet for the 1<sup>st</sup> floor, 16.33 feet for the 2<sup>nd</sup> and 3<sup>rd</sup> floors, in lieu of 20 feet required; for side yards of 7 feet in lieu of 10 feet required on both sides; for a rear yard of 10 feet in lieu of 30 feet required; for 57% lot coverage in lieu of 35% maximum; and for parking spaces of 7 feet by 18 feet in lieu of 9 feet by 17 feet required, all to allow for improvements to a two-family dwelling.

**Applicant:**

The applicant, Alexander Sifakis, stated that the property is a non-conforming lot, and the property next door was granted this exact variance.

Mr. Loretta asked if that was the property to the west. Mr. Sifakis responded yes.

Mr. Moreland stated that this was a vacant lot and not improvements to an existing building. Mr. Sifakis showed where this was approved before.

Mr. Loretta added that if they were doing multi-family they could do 65% lot coverage, but townhomes were limited to 35%.

Mr. Reddington asked if there were plans for garages. Mr. Sifakis responded yes. Mr. Loretta asked if there was one-car garage would there still be a need for the 7 foot variance. Mr. Sifakis stated that there still wouldn't be enough room.

Mr. Moreland asked how much of an easement was there. Mr. Loretta stated that there was an 80 foot easement and a lot of people parked between the sidewalk and the road.

**Public Hearing:**

Ms. Osewalt opened the public hearing and asked if anyone wished to speak in favor or in opposition to the application. She stated a speaker card from Kyle Champagne was submitted and he is in favor of the proposal.

Seeing no one who wished to address the Board, Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Loretta stated that to address the garage the motion would need to be amended.

Ms. Osewalt added that the motion should address new construction instead of improvements to an existing structure.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Cummings, to approve a front yard of 18 feet for the 1<sup>st</sup> floor, 16.33 feet for the 2<sup>nd</sup> and 3<sup>rd</sup> floors in lieu of 20 feet required; for side yards of 7 feet in lieu of 10 feet required on both sides; for a rear yard of 10 feet in lieu of 30 feet required; for 57% lot coverage in lieu of 35% maximum; and for parking spaces of 7 feet by 18 feet in lieu of 9 feet by 17 feet required, all to allow for new construction of a two-family dwelling with two one-car garages, as shown and discussed.

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

**(D) Case Number: BOA 14-100187**

**Name of Applicant:** Bottom Line Ventures, Inc.

**Property Address:** 27 Norberta Way

**Motion to Approve:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve 43% lot coverage in lieu of 35% maximum, to allow for a new single family dwelling and swimming pool.

**Applicant:** The applicant, Tim Millard, 230 15<sup>th</sup> Street South, stated that the house was built back in the early 70s and is in bad shape. They plan to tear it down and build a one-story house with a pool, the house and driveway is 36% and the pool gets it up to 43%.

Mr. Moreland stated that we should add ‘as discussed and presented’.

**Public Hearing:**

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

Mr. Jim Overby, 21 Burling Way, stated that this was the first demolition and new construction in the neighborhood, and he thought that this would be an excellent improvement to the neighborhood.

Seeing no one who wished to address the Board, Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Loretta stated that there was a parcel in this area for modification but this is a better proposal for a reconstruction.

**Amended Motion:**

An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve 43% lot coverage in lieu of 35% maximum to allow for a new single family dwelling and swimming pool, as discussed and presented.

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

**(E) Case Number: BOA 14-100188**

**Name of Applicant:** Equity One, Inc.

**Property Address:** 1758 3<sup>rd</sup> Street South

**Motion to Approve:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve 13 on-site parking spaces in lieu of 25 parking spaces required, to allow for a 2500 square foot restaurant.

**Applicant:** The applicant, Doug Skiles, 2002 San Marco Blvd., Jacksonville, stated the size and shape will not allow for the parking. They plan to keep the same parking configuration as currently exists. The parcel is under contract with Equity One, who has 590 parking spaces in the shopping center that they own. Mr. Skiles added that they have included in the site plan more landscaping than what is there now. They would provide a new buffer with an average of 5 feet.

Mr. Loretta asked if there would be a problem with putting conditions in the motion that Equity One is the owner.

Mr. Reddington asked what type of restaurant would be built. Mr. Skiles responded that it is planned to be a Chipotle Restaurant.

Mr. Cummings stated that he had concerns with parking on the weekends when the weather warms up.

**Public Hearing:**

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

Mr. Jim Overby, 21 Burling Way, spoke against the proposal. He stated that every time the City waives parking requirements it causes trouble. He stated that this was not properly advertised.

Mr. Bobby Handmaker, 2451 3<sup>rd</sup> Street South, stated that there will probably be twice that many seats, and this was not enough parking, even for staff. He stated that it is highly unlikely that there will be spare spaces in the future at the shopping center.

Seeing no one who wished to address the Board, Ms. Osewalt closed the public hearing.

**Discussion:**

Ms. Osewalt expressed concern that there was no place for customers to park their cars. Mr. Cummings agreed that there is an on-going problem with parking.

Mr. Moreland stated that if this restaurant were to go into the storefront they wouldn't have to come before the Board. If there is a similar property owner then it would be no different than if the restaurant developed in the store front.

Mr. Loretta did not think this was that big of an issue.

Ms. Osewalt stated that businesses frequently put up signs limiting where customers can park.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve 13 on-site parking spaces in lieu of 25 parking spaces required to allow for a 2500 square foot restaurant with the contingency that this property is under similar ownership as the adjacent parcel.

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

**(F) Case Number: BOA 14-100189**

**Name of Applicant:** Kosmade Properties, LLC

**Property Address:** 422 10<sup>th</sup> Street South

**Motion to Approve:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a front yard of 15 feet in lieu of 20 feet required; for side yards of 5 feet in lieu of 10 feet required; for a rear yard of 20 feet in lieu of 30 feet required; and for 59% lot coverage in lieu of 35% maximum to allow for a two-family dwelling.

**Applicant:** The applicant, Bobby Handmaker, 2451 3<sup>rd</sup> Street South, stated that in order to make it economically feasible, they would like to build a duplex, which will be a bigger building and more marketable.

Mr. Moreland asked if they could make a smaller duplex. Mr. Handmaker replied that they might be able to make it smaller, by about 50%.

Mr. Loretta stated that they typically don't go less than 18 feet front yard setback and would prefer a 20 foot front yard setback.

Mr. Handmaker stated that he thought the code required two dedicated spaces per unit. He expressed concern about removing the variance to the front yard.

Mr. Moreland stated that in this area there were duplexes smaller than 2600 square feet and they were economically feasible. He also expressed concern because of the elementary school that was located in the area.

**Public Hearing:**

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

Ms. Justina Bachman, 432 10<sup>th</sup> Street South, spoke against the proposal for the side bordering her property. She requested that some type of fence be erected.

Seeing no one who wished to address the Board, Ms. Osewalt closed the public hearing.

**Discussion:**

Mr. Buck stated that they had been fairly adamant about no less than 18 feet in the front for parking. In addition, he thought that there was an issue with children walking to and from school.

Mr. Loretta stated that there were no sidewalks on the street.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve side yards of 5 feet in lieu of 10 feet required; for a rear yard of 20 feet in lieu of 30 feet

required; and for 49% lot coverage in lieu of 35% maximum to allow for a two-family dwelling.

**Roll call vote:** Ayes – Moreland, Loretta  
Nays – Buck, Osewalt, Cummings  
Amended motion denied with a 3 to 2 vote.

**Original Motion:**

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

**Building Department Report:** The next scheduled meeting is Tuesday, January 21, 2015.

**Adjournment**

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:02 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:

/s/ Sylvia Osewalt  
Chairman

Date: February 27, 2015