

**Minutes of Board of Adjustment Meeting  
held Tuesday, February 17, 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 Vice-Chairman Cummings.

**Roll Call**

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

Alternates: Jeff Truhlar  
Francis Reddington - *Absent*

**Ex parte Communications**

There was only one ex parte communication and it was reported by Mr. Loretta regarding Case No. BOA 14-100207. He stated that he had a phone conversation with Mr. Toomey regarding the application and the requested changes.

**Approval of Minutes**

It was moved Mr. Loretta, seconded by Mr. Moreland, and passed, to approve minutes for the meeting held on January 6, 2015, as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

- A** **Case Number:** BOA 14-100207
- Applicant:** Ben Ossi
- Owner:** Ossi Development, Inc.
- Property Address:** 2720 South 3<sup>rd</sup> Street
- Parcel ID:** 180553-0015
- Current Zoning:** CPO (RM-1) / RS-2
- Miscellaneous Info:** One previous variance request, reference BOA# 13-100189.

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Moreland to approve:

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**City of Jacksonville Beach Land Development Code Section(s):**

34-337(e)c.3, for a rear yard of 20 feet in lieu of 30 feet required for Lot 1; 34-340(e)(2) c.3, for a rear yard of 10 feet in lieu of 20 feet required for Lot 2; 34-340(e)(2)f, for lot coverages of 57%, 57%, and 47% for Lots 3,4 and 5 respectively; and 34-373(d), for a 0 foot driveway setback in lieu of 5 feet required for Lots 2, 3, 4 and 5; all to allow for development of a five lot single-family residential subdivision **for property legally described as** Lots 8, 9, 10, 13, 14, and the northwest ½ of Lot 15, Block 11, *Atlantic Shores Replat Unit No. 1*.

**Applicant:**

Applicant Richard Toomey, 3517 Snowy Egret Way, Jacksonville Beach, explained the variance request was originally before the Board in October 2014, and referenced the variances that were granted in the current application.

Mr. Toomey went on to explain that the variances granted in October 2014, were for five houses and based on a conceptual drawing and not engineered when the original variances were granted. Lot 3 was to be 56% lot coverage and ended up being 57% to accommodate the length of the driveway and the turn in the road. Three of the five lots went up in size and two went down in size, with the average being 61.25% lot coverage. Mr. Toomey added that the owner is requesting that the previous variances be restated and to add an increase of 56% to 57% lot coverage for Lot 3.

**Board Discussion:**

A brief discussion was held regarding the variance application. It was noted that the requested variance was consistent, with the original intent and due to language in the first variance such as “as shown and submitted” the variance application is back before the Board.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to grant the variance as requested, as shown, submitted, and discussed.

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

**(B) Case Number: BOA 14-100208**

**Applicant/Owner:** Randy and Kathleen Dunlap

**Agent:** Bradley Wester

**Property Address:** 32 Millie Drive

**Parcel ID:** 179481-0000

**Current Zoning:** RS-2

**Miscellaneous Info:** One previous variance request, reference BOA# 13-100189.

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**Motion:** It was moved by Mr. Cummings, seconded by Mr. Loretta to approve:

**City of Jacksonville Beach Land Development Code Section(s):**

34-337(e)(1)g, for an accessory structure (paver walk) 2 feet in lieu of 5 feet to a property line and 34-334(e)(1)e, for 49% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling **for property legally described as Lot 21, Block 3, Hannah Terrace.**

**Agent and Property Owner:**

Agent Brad Wester, 1 Independent Drive, Ste. 1200, Jacksonville, representing the property owner distributed photographs of neighboring properties. He advised that the property owner was making improvements to his lot, to increase the overall use and enjoyment of his home.

Mr. Wester explained that the Dunlaps obtained a permit to install a paver driveway. However, they extended it to include a paver walkway around the house. When the Dunlaps applied for a permit for a swimming pool, it was determined that a variance would not be needed for the pool, as it would only have coping around the pool, not a cool deck. However, a variance would be needed for installation of the additional pavers.

Property owner Glenn Dunlap advised that the pool would be in the back with a concrete pad for equipment associated with a pool. Mr. Dunlap said that he wanted to make a nice backyard for his family. He added that the pavers leading to the backyard were knowingly installed without a permit/variance.

Mr. Wester explained some of the hardships: preexisting concrete pad in the back, small lots in the subdivision, and the requirement for larger front setbacks when smaller setbacks are required in surrounding developments.

**Board Discussion:**

Discussion among board members regarded the paver walkway installation without approval, the existing concrete pad, and required larger front yard setback.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to add the restriction “to grant the variance as shown and submitted” to the initial motion.

**Roll call vote:** Ayes – Cummings, Loretta, Moreland, and Buck;  
Nays - Osewalt.  
Motion passed by a 4 to 1 vote.

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**NEW BUSINESS:**

**(A) Case Number: BOA 15-100002**

**Applicant/Owner:** James Sox

**Property Address:** 534 North 17<sup>th</sup> Avenue

**Parcel ID:** 174852-0000

**Current Zoning:** RS-1

**Miscellaneous Info:** Two previous variance requests, reference BOA #06-100011 and BOA #06-100072.

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Moreland to approve:

**City of Jacksonville Beach Land Development Code Section(s):**

34-336(e)(1)e, for 43% lot coverage in lieu of 35% maximum; and 34-336(e)(1)g, for accessory structures (garage and drive strip) 4 feet to a property line in lieu of 5 feet minimum to allow for improvements to a single family dwelling **for property legally described as Lot 15, Block 6, Surf Park-Unit One.**

**Representative for Applicant:**

Ron Taylor, 360 North 13<sup>th</sup> Avenue, Jacksonville Beach, representative for the applicant, provided an overview of the variance request and stated that the hardship is the driveway. The parking entry area floods every time it rains. Additionally, the vehicle driven by Mr. Sox will not fit strips of less than 24 inches which is the reason Mr. Sox is only requesting 4 feet in lieu of 5 feet required. Mr. Taylor cited other homes in the neighborhood that have greater lot coverage than Mr. Sox is requesting. He added that the new garage pad would be installed, and a swimming pool would be built where the garage was located.

**Board Discussion:**

Board members noted that the property had previously received a variance reducing the lot coverage and this application is requesting an additional 5% reduction. Their concerns included if the need for the 4 foot property line in lieu of the 5 feet requested was actually needed for the new garage or just the driveway strips.

**Amended Motion:** An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve 43% lot coverage in lieu of 35% maximum; and 34-336(e)(1)g, for driveway strips, 4 feet from the property line.

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

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**(B) Case Number: BOA 15-100003**

**Applicant/Owner:** Larry LaGosh  
**Property Address:** 819 South 14<sup>th</sup> Avenue  
**Parcel ID:** 176853-0000  
**Current Zoning:** RS-2  
**Miscellaneous Info:** No previous variance requests.

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Moreland to approve:

**City of Jacksonville Beach Land Development Code Section(s):**

34-337(e)(1)c.2, for 14 foot total side yards in lieu of 15 feet required and 34-337(e)(1)e, for 43% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling **for property legally described as Lot 9, Block 139, Oceanside Park.**

**Applicant:**

Mr. LaGosh explained that his hardship was the overall size of his house and the rather small size of the rooms in the house. Mr. LaGosh added that he and his wife plan to retire there and eventually move his handicapped father in law into the home.

In response to Board member's questions, Mr. LaGosh stated that he plans to build a one-story addition (living room, bedroom, and bathroom) in the rear of the existing structure.

**Board Discussion:**

A brief discussion ensued where Board member noted that the hardship is an undersized lot.

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

**(C) Case Number: BOA 15-100004**

**Applicant/Owner:** JWB Real Estate Capital  
**Agent:** Alex Sifakis  
**Property Address:** 260 South 40<sup>th</sup> Avenue  
**Parcel ID:** 180425-0000  
**Current Zoning:** RS-1  
**Miscellaneous Info:** One previous variance request, reference BOA #13-100190

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Loretta to approve:

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**City of Jacksonville Beach Land Development Code Section(s):**

Request to remove the previous condition “Limited to as shown and discussed” to allow for a revised site plan that falls within the dimensional standards previously approved on October 15, 2014 (reference BOA Case No. 13-100190) **for property located legally described as Lot 6, Block 1, (except part in State Road), Avalon Unit No. 2.**

**Agent:**

Agent Alex Sifakis, 440 South 7<sup>th</sup> Avenue, Jacksonville Beach, stated that they are seeking approval of the same setback variance granted on October 15, 2013, with a new drawing. Mr. Sifakis stated that the house plan submitted in October 2013 variance application was very poorly designed and not drawn to scale.

Mr. Sifakis advised that their request is to switch the drawing submitted in October 2013, with the current plan which has been engineered for the lot. Thus far they have applied for and received a permit for road work in the area. It was during this process that they found that a house plan had been attached to the approved variance in October 2013. He stated that they just want to switch out the 2013 site plan with the new site plan.

**Discussion:**

Mr. Loretta asked if there is an elevation on the new site plan, to which Mr. Sifakis responded in the affirmative. Mr. Loretta stated that this is a difficult case, as the 2013 site plan conformed to the elevation requirements in the Avalon Subdivision, and the elevation on the new site plan does not conform.

Mr. Buck advised that the Board has strived to be consistent with the Avalon plans on variance applications brought before the Board.

Mr. Sifakis brought to the Board’s attention to the shape of the lot, and that the front of this structure will be 40 feet back from the road. However, the fronts of neighboring homes are only 20 feet from the road. He also submitted photos of neighboring homes showing that the site plan of the new home conforms to surrounding homes. Mr. Sifakis added that the former plan only allowed for a single car driveway and due to extremely limited street parking, the home must have a two car driveway.

Mr. Sifakis also pointed out that the previous variance spoke to the size of the front yards in the subdivision allowing for 10 foot front yards and new site plan has a 13.7 foot front yard. He added that his request included removal of the language “Limited to as shown and discussed”.

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**Speaker:**

Jeff and Pam Borg, 240 South 40<sup>th</sup> Avenue, Jacksonville Beach.  
Mr. and Ms. Borg advised that they are concerned about drainage issues.

**Discussion Resumed:**

Board members discussion continued and concerned the homes in the subdivision being consistent throughout. It was noted that the other homes have a porch in front of the garage so it is the focal point. In the site plan submitted by Mr. Sifakis the garage is the focal point.

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

**Adjournment:**

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:04 P.M.

Submitted by: Judy L. Bullock  
Administrative Assistant

Approval:

/s/ Sylvia Osewalt

Chair

Date: April 7, 2014