

Minutes of Board of Adjustment Meeting
held Tuesday, August 18, 2015, 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 Osewalt.

Roll Call

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

Alternates:

Jeff Truhlar
Francis Reddington

Ex parte Communications

There was no ex parte communications reported by the Board.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve the minutes of June 2, 2015, June 16, 2015, and July 7, 2015 as submitted. Motion approved unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA#15-100109

Applicant/Owner: Ryan Correy
Property Address: 810 6th Avenue North
Parcel IDs: 174228-0000
Current Zoning: RS-2

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

approve a rear yard of 23 feet in lieu of 30 feet required; for 42% lot coverage in lieu of 35% maximum; and for accessory structures 0.2 feet to the property line in lieu of 5 feet minimum to ratify the existing condition of a single family dwelling **for property located at legally described as** Lot 1 and the East 12.5 feet Lot 2, Block 69, *Replat Part of Pablo Beach North*.

Applicant: The applicant, Ryan Corey, stated the previous owner/contractor did not secure the required variances and permitting and this issue was discovered when selling the house. Mr. Corey stated no changes are being done now; this request is to ratify an existing condition.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request. There was no one; the public hearing was closed.

Discussion:

A brief discussion ensued about ratifying the existing condition.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve a rear yard of 23 feet in lieu of 30 feet required; approve 42% lot coverage in lieu of 35% maximum, to ratify the existing condition of a single family dwelling **for property legally described as** Lot 1 and the East 12.5 feet Lot 2, Block 69, *Replat Part of Pablo Beach North*.

Roll Call Vote: Ayes –Buck, Cummings, Loretta, Moreland, Osewalt; amended motion approved unanimously.

(B) Case Numbers: BOA#15-100123

Applicant/Owner: Carla & Ken Lewis

Agent: JSL Company Inc.

Property Addresses: 3105 1st Street South

Parcel IDs: 181524-0000

Current Zoning: RS-1

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a front yard of 17.75 feet in lieu of 25 feet required; for a corner side yard of 8.25 feet in lieu of 16 feet required; for a rear yard of 7.5feet in lieu of 30 feet required; and for 53% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling **for property legally described as** Lot 1 and the West 22 Feet of Lot 2, Block 3, *Replat Part Division B Atlantic Shores*.

The applicant requested a continuance on this application.

(C) Case Number: BOA 15-100124

Applicant/Owner: James McMann
Property Address: 978 8th Street South, Unit A
Parcel ID: 176651-0020
Current Zoning: RS-3

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a rear yard of 18 feet in lieu of 30 feet required, and for 48% lot coverage in lieu of 45% maximum to allow for improvements to the northerly ½ of a two-family dwelling **for property legally described as a portion of Lot 12, Block 99, Oceanside Park.**

Applicant: Rebecca and Phillip Vogelsang, 3145 Pullian Ct., took the floor to address the Board, speaking on behalf of Rebecca's father, Mr. James McMann.

The Vogelsangs stated the request is to build a covered lanai over the existing slab, and also add a fireplace. These two additions will provide shade in summer and warmth in winter. Mr. and Mr. Vogelsang said there are other homes in this area with these same options.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request. There was no one; the public hearing was closed.

Discussion:

A brief discussion ensued about this being a minimum request.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a rear yard of 18 feet in lieu of 30 feet required, and for 48% lot coverage in lieu of 45% maximum to allow for improvements to the northerly ½ of a two-family dwelling, limited to the open air lanai and fireplace as discussed, **for property legally described as a portion of Lot 12, Block 99, Oceanside Park.**

Roll Call Vote: Ayes – Loretta, Moreland, Osewalt, Buck, Cummings; amended motion approved unanimously.

(D) Case Number: BOA 15-100128

Applicant: JWB Construction Group, LLC.
Agent: Alex Sifakis
Owner: Hoose Homes & Investments, LLC.
Property Address: 834 South 4th Avenue
Parcel ID: 175940-0000
Current Zoning: RM-1

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

approve an exterior side yard of 7.5 feet in lieu of 10 feet required and a corner side yard of 7.5 feet in lieu of 10 feet required; for 0 feet in lieu of 5 feet minimum to a property line for interior parking unit parking areas and walkways, to allow for a 5 unit townhouse development **for property legally described as** Lot 4 and the West 25 feet of Lot 3, Block 49, *Pablo Beach South*.

Applicant: Alex Sifakis took the floor to address the Board. He stated the hardship is the two existing non-conforming lots, 100 ft. X 125 ft. He stated the proposed plan is similar to other townhouse dwellings in this area.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request.

The following person spoke about her concerns with parking:

Elizabeth Tomory, 828 4th Avenue S. (neighbor)

Discussion:

Discussion ensued about the applicant's pattern of pushing the limits of his requests with his construction plans. Suggestions were made for modifications and an amended motion was proposed.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Cummings, for 0 feet in lieu of 5 feet minimum to a property line for interior parking unit parking areas and walkways, to allow for a 5 unit townhouse development **for property legally described as** Lot 4 and the West 25 feet of Lot 3, Block 49, *Pablo Beach South*.

Roll Call Vote: Ayes –Moreland, Osewalt, Buck, Cummings, Loretta; amended motion approved unanimously.

(E) Case Number: BOA 15-100129

Applicant/Owner: George Brackett

Agent: Melone Brackett

Property Address: 1117 16th Street north

Parcel ID: 179129-0000

Current Zoning: RS-2

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve 47% lot coverage in lieu of 35% maximum to ratify existing conditions and to allow for a new accessory building **for property legally described as** Lot 3, Block 50, *Section "A" Jacksonville Beach*.

Applicant: George Brackett took the floor to address the Board. Mr. Brackett said he wants

to install an 8 X 8 X 4 concrete slab and put a prefab shed on the slab, instead of wood. The lot size, 50 ft. X 102 ft., is the existing condition and the hardship.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request. There was no one; the public hearing was closed.

Discussion:

No discussion.

Roll Call Vote: Ayes – Buck, Cummings, Loretta, Moreland, Osewalt; motion approved unanimously.

(F) Case Number: BOA 15-100133

Applicant/Owner: Jean Donnell
Agent: David Wesley
Property Address: 1321 Sunset Drive
Parcel ID: 178269-0000
Current Zoning: RS-1

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a front yard of 15 feet in lieu of 25 feet required to allow for a carport addition to a single family dwelling **for property legally described as** the North 50 feet of Lot 3 and the South 35 feet of Lot 4, Block 1, *Ocean Forest Unit 1*.

Applicant: Mrs. Jean Donnell took the floor to address the Board. She stated she had a large tree removed and wants to build a carport to park her car and it will also provide shade from the afternoon sun on the front of her house.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request. There was no one; the public hearing was closed.

Discussion:

No discussion.

Roll Call Vote: Ayes – Cummings, Loretta, Moreland, Osewalt, Buck; motion approved unanimously.

(G) Case Number: BOA 15-100134

Applicant/Owner: Double D. Construction, LLC.
Agent: Stephen B. Williams

Property Address: 28 26th Avenue South

Parcel ID: 181613-0000

Current Zoning: RS-1

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a front yard of 18 feet in lieu of 20 feet required; for an easterly side yard of 6 feet in lieu of 7.5 feet required; and for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling **for property legally described as Lot 2, Block 3, Atlantic Shores Ocean Front Section Division C.**

Applicant: Steve Williams took the floor to address the Board. He stated the lot is non-conforming due to the lot size and shape.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request. There was no one; the public hearing was closed.

Discussion:

There was a brief discussion about the non-conformity of the lot.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a front yard of 18 feet in lieu of 20 feet required; for an easterly side yard of 6 feet in lieu of 7.5 feet required; and for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling, as shown and described, **for property legally described as Lot 2, Block 3, Atlantic Shores Ocean Front Section Division C.**

Roll Call Vote: Ayes – Loretta, Moreland, Osewalt, Buck, Cummings; amended motion approved unanimously.

(H) Case Number: BOA 15-100135

Applicant/Owner: Bobby Mitcham

Agent: Peter Schwab

Property Address: 2514 Horn Street

Parcel ID: 180855-0070

Current Zoning: RS-2

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve 51% lot coverage in lieu of 46% maximum to allow for a swimming pool addition to a single family dwelling **for property legally described as Lot 14, Block 3, Jacksonville Beach Heights.**

Applicant: The applicant, Bobby Mitcham, took the floor to address the Board, as well as the agent, Peter Schwab. Mr. Mitcham wants to remove the existing deck and install a new

swimming pool with new deck.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request.

Steve Williams, 3731 Duval Drive, spoke in favor of this request.

The public hearing was closed.

Discussion:

Discussion ensued about the 51% lot coverage being excessive.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve 49.9% lot coverage in lieu of 46% maximum to allow for a swimming pool addition to a single family dwelling **for property legally described as** Lot 14, Block 3, *Jacksonville Beach Heights*.

Roll Call Vote: Ayes – Moreland, Osewalt, Buck, Cummings, Loretta; amended motion approved unanimously.

(I) Case Number: BOA 15-100136

Applicant/Owner: Kristin Berg Bergengolts

Property Address: 7 Burling Way

Parcel ID: 179463-0000

Current Zoning: RS-2

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve 47% lot coverage in lieu of 35% maximum, and for an accessory structure setback of 3.5 feet to the southerly property line in lieu of 5 feet minimum to allow for an accessory building to a single family dwelling **for property legally described as** Lot 3, Block 3, *Hannah Terrace*.

Applicant: The applicant's parents, Mr. and Mrs. Berg, took the floor to address the Board. The accessory structure is requested for their sleeping quarters for when they visit with their daughter and her family, approximately 4 to 5 months out of a year. Mrs. Berg will be undergoing extensive medical treatment and their stay this time will be at least a year, maybe more.

The proposed structure will be 11 ft. X 21 ft., consisting of a small sitting area, a counter with a sink, and a bedroom and bathroom area. There is no kitchen.

Public Hearing:

Ms. Osewalt opened the public hearing and asked if anyone was present to speak in favor or in opposition to the request. There was no one; the public hearing was closed.

Discussion:

There was a brief discussion about the accessory structure and what is permitted per code.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve 47% lot coverage in lieu of 35% maximum, for an accessory structure to a single family dwelling **for property legally described as** Lot 3, Block 3, Hanna Terrace.

Roll Call Vote: Ayes – Buck, Cummings, Loretta
Nays - Moreland, Osewalt
Amended motion passed with a 3 to 2 vote.

Building Department Report: The next scheduled meeting is Tuesday, September 1, 2015.
There are five scheduled cases.

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:20 P.M.

Submitted by: Nancy J Pyatte
Assistant City Clerk

Approval:

/s/Sylvia Osewalt
Chairman

Date: September 1, 2015