

Minutes of Board of Adjustment Meeting
held Tuesday, September 1, 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 Vice-Chairman Cummings.

Roll Call

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

Alternates:

Jeff Truhlar *Absent*
Francis Reddington

Ex-parte Communications

Ms. Osewalt stated that she got a call from John Fisher from Favor-Grey. Mr. Cummings stated that he talked to a representative from there as well. Mr. Moreland stated that he got a message. Mr. Loretta had a conversation with Favor Grey and went to the site. Mr. Buck got a call but did not go to the property.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

(A) Case Number: BOA 15-109123

Name of Applicant: Carla and Ken Lewis

Property Address: 3105 1st Street South

Motion to Approve: It was moved by Mr. Cummings seconded by Mr. Moreland, to approve a request for 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 7.5 feet 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.

Applicant: The applicant, Carla Lewis, 3105 1st Street South, stated that the lot was undersized. She presented a packet of information. She presented drawings of the proposed changes. Ms. Lewis stated that they were no longer asking for the variance to the front yard.

She stated that they wanted to add a second bay to the garage for a second car and laundry room.

Mr. Loretta stated that the submittal shows 8 feet will be allowed on Ramona side. Ms. Lewis stated that would leave 17 feet of grass to the curb. She added that they are only asking for 47.5% coverage instead of 53% lot coverage as stated in the motion.

Mr. Loretta stated that the motion would have to be changed to reflect her testimony.

Mr. Hays stated that since the motion was carried over from the last meeting, the motion has not been changed on the agenda.

Ms. Lewis added that they were removing impervious paving in the backyard, and stated that they were removing 150 square feet of concrete driveway.

Public Hearing:

There was no one present to speak in favor or in opposition to the proposal.

Discussion:

Mr. Moreland stated that it appears that the applicant had considered what was stated at the last meeting.

Mr. Loretta noted that the property was an odd shape and that was a good justification for the variance.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a corner side yard of 8.25 feet in lieu of 16 feet required; for a rear yard of 7.5 feet in lieu of 30 feet required and for 47.5% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling, as shown, submitted and discussed.

Roll Call Vote on Amended Motion: Ayes – Moreland, Cummings, Buck, Osewalt and Loretta. Amended motion approved unanimously.

NEW BUSINESS:

(A) Case Number: BOA 15-100138

Name of Applicant: Lewis Family Partnership

Property Address: 1300 3rd Street North

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for 17 parking spaces in lieu of 30 onsite parking spaces required for a conversion to a commercial shopping center use (1/250 sq.ft.)

Applicant: The applicant, Jennifer Wilson, 8850 Godby's Executive Drive, Suite A, stated that the property was an automotive tire repair facility. The applicant would like to change it to commercial retail space. The building will stay.

Mr. Moreland asked if this was a self-imposed hardship. Ms. Wilson stated that it wasn't. The engineers have tried to maximize the space based on the lot size.

Mr. Loretta stated that if they got rid of the extrusion they could add 3 more spaces. He added that there may be a parking issue that was self-created. Ms. Wilson stated that the applicant is willing to improve some off-site parking there. Mr. Loretta stated that these things would add almost as much parking as they need, so he questioned the need for the variance.

Public Hearing:

Ms. Osewalt stated they she had two cards. One person was in favor of the proposal but did not wish to address the Board.

Ron Taylor, 360 13th Avenue, North, stated that he had lived here for 27 years, and they have had nothing but growth in the area. They constantly have problems with parking in this area. They have people parking in the alley.

Ms. Wilson presented alternative proposals provided by the civil engineer. Mr. Henry Vorpe, AVA Engineers, stated they had looked at the plan but the changes that he presented got them up to 20 spaces. Mr. Loretta stated that the proposal still was not sufficient.

Discussion:

Mr. Cummings stated that he agreed that parking is an issue and expressed his concern about the proposal.

Mr. Buck stated that he drove down there in the morning and many people were parked on the grass.

Roll Call Vote: Nays – Cummings, Moreland, Osewalt, Loretta, and Buck. Motion denied unanimously.

(B) Case Number: BOA 15-100139

Name of Applicant: Sam and Tori Hutsell

Property Address: 624 8th Avenue North

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for total side yards of 12.5 feet in lieu of 15 feet required; for a rear yard of 8.1 feet in lieu of 30 feet required; and for 46% lot coverage in lieu of 35% maximum to allow for an addition to a single family dwelling.

Applicant: The applicant, Sam Hutsell, 624 8th Avenue North, stated that this was a substandard lot, and there were less parking spaces than they need. They need the additional space to accommodate the family size.

Mr. Loretta asked Mr. Hutsell to review the plans. Mr. Hutsell stated that the shed would be removed. Mr. Hutsell stated that he could stay within the 7.5 feet with a change in the plans.

Mr. Hutsell stated that there is an alleyway behind them. Mr. Buck asked if it was passable. Mr. Hutsell stated that you could.

Mr. Moreland asked if they would be blocking the alleyway. Mr. Hutsell stated that they would park on a slab in the front and they would not block the alleyway.

Mr. Cummings asked if there was a length that the garage needs to be from the alleyway. Mr. Loretta added that they probably have the minimum. Mr. Hays stated that there is an ordinance that prohibits people from blocking the alleyway.

Mr. Buck asked if this was the minimum lot coverage that was acceptable. Mr. Loretta added that they would probably move the garage there. Mr. Hutsall stated that if they needed to bump it in they would.

Public Hearing:

Mr. Mitch McCue, 618 8th Avenue North, stated that he was in support of the proposal.

Discussion:

Mr. Loretta noted that this was a non-conforming lot. He asked Mr. Moreland if he wanted to address the rear yard.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve a request for a rear yard of 12 feet in lieu of 30 feet required; and for 46% lot coverage in lieu of 35% maximum to allow for an addition to a single family dwelling.

Roll Call Vote: Ayes – Cummings, Moreland, Osewalt and Loretta. Nays - Buck
Motion approved 4-1.

(C) Case Number: BOA 15-100141

Name of Applicant: Erin Mercer

Property Address: 11 Democracy Court

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a rear yard of 10 feet in lieu of 30 feet required, and for 40% lot coverage in lieu of 35% required to allow for an addition to a single family dwelling.

Applicant: The applicant, Shawn Shapiro, 5 Fairway Lane, stated that this is an interior lot on a cul-de-sac. All other houses are much bigger houses. There will be much pervious area in the back. They would like to add more rooms for their growing family.

Ms. Osewalt asked if there was a house in the backyard and if anyone had spoken with them. Mr. Shapiro said no.

Mr. Buck asked if there was a shed in the backyard. Mr. Shapiro responded there was not.

Mr. Moreland asked if the people behind were informed of the hearing, and they were.

Mr. Shapiro noted that a number of houses in the neighborhood were granted similar type variances.

Public Hearing:

There was no one present to speak in favor or in opposition to the proposal.

Discussion:

Mr. Cummings noted that there was a lot of green space to the west and there was an open patio on the northwest side.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a rear yard of 15 feet in lieu of 30 feet required, and for 40% lot coverage in lieu of 35% required to allow for an addition to a single family dwelling.

Roll Call Vote: Ayes – Cummings, Moreland, Osewalt, Buck and Loretta. Motion

approved unanimously.

(D) Case Number: BOA 15-100143

Name of Applicant: 185 Landrum Lane

Property Address: 411 Pablo Avenue

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a front yard of 0 feet in lieu of 10 feet required; for a corner side yard of 0 feet in lieu of 10 feet required; and for 0 on-site parking spaces in lieu of 42 parking spaces required to allow for an addition to a professional office and lease space building.

Applicant: The applicant, William Keith Faver, 415 Pablo Avenue, bought the Pablo Center. He reviewed what the proposal was to redesign the building. He noted the present building does not work in its current use. He noted that they were in a unique situation regarding parking. The parking solution consists of an agreement with a church for 33 spaces – they only need 39. They have 2 spaces that they could add, and they don't use half that amount. They also propose to create 5 spaces on Pablo Avenue.

Mr. Faver noted that they had the support of the Mayor and City Manager as well as a number of people.

Mr. Moreland asked for the specific agreement with the church. Ms. Osewalt asked who owned the parking spaces. The response was the church.

Mr. Moreland noted that the agreement specified no time period. Mr. Moreland recommended that a time frame be established within the agreement. Mr. Moreland noted that the first floor was leasable. Mr. Faver responded that they were willing to commit that no restaurant or bar would locate there.

Mr. Cummings stated that he thought that the party to lease it would need to be identified.

Mr. Buck asked about the request. Mr. Faver noted that the spaces on-site were not part of the application.

Mr. Cummings asked if they would be willing to beautify the backside of the blighted area on church property. Mr. Faver stated that he could not build on the church property without their approval.

Mr. Reddington noted that they were setting a precedent.

Public Hearing:

Robert McKinnon, 122 4th Street North, stated that the applicant should improve the sand pit parking with some paving to make it into a parking lot and not an unpaved lot.

Linda Lanier, 1768 Park Terrace W., Atlantic Beach, identified herself as President of the Beaches Historical Society and expressed her support for the proposal. She noted that her peak times were during the evening so parking should not be an issue.

David Plummer, 120 5th Street, North, stated that the building should be an asset for the neighborhood. He stated that the church took his parking spaces. He stated that he has never seen their lot filled with parking.

Giorgio Fava, 433 Pablo Road, expressed his support for the building.

Mr. Cummings stated they had a letter from Heath Aldridge stating opposition to the proposed variance. Mr. Faver noted the letter concerned the original proposal and not this one.

Mr. Moreland asked clarification on the parking in the sand lot. Mr. Faver stated that the church owned that property.

Discussion:

Ms. Osewalt stated that they did not have an agreement. Mr. Moreland stated that he should request a delay until they could present an agreement. Mr. Reddington stated that there should be a time limit on the agreement and the agreement should state that no restaurant should be allowed in the leased space.

Mr. Loretta clarified the modification to the request, noting it was the number of spaces required. He added that he would be willing to add contingencies to the actions taken tonight. Mr. Loretta recommended incorporating the exhibits to clarify the request.

Ms. Osewalt expressed her concern with the proposal to use City parking. Mr. Moreland stated that he had never seen that lot full. Mr. Loretta added that they did provide a study as well.

Ms. Osewalt stated that she had concerns that the owner could change and the parking would not be available.

Mr. Reddington asked where the handicapped parking would be. Mr. Faver stated that they would provide that parking in the rear of the building.

Mr. Hays read the Land Development Code provisions on shared parking, including the need for a long-term lease agreement. He added that the Board has the right to place reasonable conditions on a request and that putting a condition on the type of use is

reasonable.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 0 feet in lieu of 10 feet required; for a corner side yard of 0 feet in lieu of 10 feet required; and for 0 on-site parking spaces in lieu of 39 parking spaces required contingent upon meeting the shared parking requirement under Land Development Code Section 34-376 with archdiocese of St. Augustine property, contingent upon Public Works acceptance of a minimum of 4 spaces on Pablo Avenue to be constructed, contingent upon meeting ADA requirements, contingent upon no individual use internal within the new building with a parking ratio of 1/100 as a typical use to allow for an addition to a professional office and lease space building.

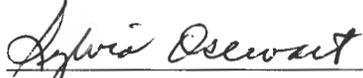
Roll Call Vote: Ayes – Cummings, Moreland, Buck, and Loretta. Nays - Osewalt
Motion approved 4-1.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:45 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:



Chairman

Date: 11/17/2015