

Minutes of Board of Adjustment Meeting
held Tuesday, October 6, 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

Mr. Moreland stated that he had a conversation with Mr. Zuckerman about cases 168 and 169. He stated that he had discussed them with his wife. Mr. Buck stated that he had discussed a case with Mr. Shroeder. Mr. Loretta also acknowledge that he had discussed case 165 with Mr. Shroeder.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS

There was none.

NEW BUSINESS

(A) Case Number: BOA 15-100142

Name of Applicant: Tenth Street Beach Properties, L.L.C.

Property Address: 660 10th Street South

Motion to Approve: It was moved by Mr. Cummings seconded by Mr. Moreland, to approve a request to allow for 36 required parking spaces to be provided unpaved (grass) as part of an overall 172 space requirement, to allow for construction of an outdoor recreation facility and restaurant.

Applicant: The applicant, Jim O’Nan, 12058 San Jose Blvd., Suite 401, Jacksonville, stated that this was their second time here. Their hardship is the parking situation which is explained by the exhibits.

Mr. Loretta asked him to explain the differences in the plans. The architect for the project, Jason Canning, 1713 Furman Road, Jacksonville, introduced himself and stated that the restaurant size was reduced. He stated that there was the need for the parking variance to allow for unpaved parking – they had 136 paved parking spaces. He added that the unpaved spaces will be on the south portion of the site, not the north portion as originally proposed.

Public Hearing:

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

Discussion:

Mr. Buck compared this case to a previous case, and stated that this could set a precedent but didn’t see anything wrong with it.

Mr. Loretta stated that they could require a wood header to identify the spaces.

Ms. Osewalt wondered what happened when it rained. Mr. Buck stated that they would probably have gravel to address that.

Mr. Loretta stated that 10 spaces per court seemed excessive even though that was required. He added that he doubted whether they would fill the 136 paved spaces. Mr. Buck noted that if they had a tournament there they would fill it in a hurry.

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

(B) Case Number: BOA 15-100155

Name of Applicant: JWB Construction Group, L.L.C.

Property Address: 224 South 9th Street

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for total side yards of 10 feet in lieu of 15 feet required; for a rear yard of 20 feet in lieu of 22.67 feet required; and for 49% lot coverage in lieu of 46% maximum to allow for a new single family dwelling.

Applicant: The applicant, Alex Sifakis, 440 7th Avenue South, stated that he would present an amended request. They are only asking for the side yards and have reduced the size of the building. He stated that it was zoned for multi-family but due to the size of the lots thought this was not optimum so they had received conditional use approval.

Mr. Moreland stated that he thought that this was a reasonable request.

Public Hearing:

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

Discussion:

Mr. Cummings stated that he agreed that a single family home was a good idea for this parcel.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Cummings, to approve a request for total side yards of 10 feet in lieu of 15 feet required as shown and submitted to allow for a new single family dwelling.

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

(C) Case Number: BOA 15-100160

Name of Applicant: JWB Construction Group, L.L.C.

Property Address: 422 South 10th Street

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for side yards of 7.5 feet in lieu of 10 feet required; for a rear yard of 20 feet in lieu of 30 feet required; and for 47% lot coverage in lieu of 35% maximum to allow for a new two family dwelling.

Applicant: The applicant, Alex Sifakis, 440 7th Avenue South, stated that this was a substandard lot. They had applied for a 5 foot side yard variance, and this was less than the amended motion that failed 2-2 at the last meeting.

Mr. Buck stated that he went to the property when school was letting out and noted that there wasn't much traffic heading out of 4th and 5th Street.

Public Hearing:

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

Discussion:

Mr. Buck stated that his observation of school traffic and stated that this would be a good use of the property. Mr. Loretta agreed noting that the concern has been to the north of the school, and this request was much less than what was asked for before.

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

(D) Case Number: BOA 15-100163

Name of Applicant: Jane Allen

Property Address: 484 11th Avenue South

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a rear yard of 26 feet in lieu of 30 feet required, and for 44% lot coverage in lieu of 35% required to allow for improvements to a single family dwelling.

Applicant: The representative for the applicant, Michelle Haynes, 8444 Thornbush, Court, Jacksonville, stated that Ms. Allen was requesting this variance. The purpose of this variance was to approve a patio that was already constructed. Ms. Haynes stated that the property was already non-conforming when purchased. She added that the patio was pavers and not completely impervious.

Ms. Haynes added that other property in this area was approved for 44% lot coverage.

Mr. Buck asked about issues with the neighbors. Jane Allen responded that none of the neighbors had contacted her. She added that she wasn't certain it was a complaint but an inquiry. Mr. Buck noted that unless the structure would create problems with neighbors on each side it shouldn't be an issue with the neighbors.

Mr. Moreland noted that this is not a substandard lot. The request is for 44% lot coverage on an oversized lot. Ms. Allen stated that this patio should not create drainage issues.

Mr. Loretta asked if the pergola needs to be as large east to west. Ms. Allen stated that if the contractor had brought it to her attention earlier she would have requested that. She stated that the materials that she used would not be available if rebuilt.

Public Hearing:

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

Discussion:

Mr. Hays stated that the front yard setback is more than required. The position of the house is creating some of this hardship. He added that the structure that was there had more of an impact to the properties in the rear.

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

(E) Case Number: BOA 15-100165

Name of Applicant: Peter and Jennifer Schroeder

Property Address: 138 33rd Avenue South

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for an easterly side yard of 7.5 feet in lieu of 10 feet required; for 46% lot coverage in lieu of 35% maximum; and for an accessory structure (walkway) 2 feet to a property line in lieu of 5 feet minimum to allow for improvements to a single family dwelling.

Applicant: The applicant, Peter Schroeder, 138 33rd Avenue South, stated that the improvements would increase the value after explaining the proposed improvements. He added that the neighbors did not have an issue with the proposal.

Mr. Moreland stated that this was a substandard lot by 600 square feet. Mr. Loretta asked why they are doing this instead of starting from scratch. Robert Gray, 850891 U.S. Highway 1, Yulee, responded, that the house was setback and they wanted to avoid off-site parking. They are trying to work with what's there already. Mr. Moreland asked about current lot coverage. Mr. Gray stated that they weren't sure. Mr. Loretta stated that it was about 1% less than what they are asking for based on the aerials. The only difference are the two porches from that which is already impervious.

Public Hearing:

Mr. Cummings stated that they had received correspondence. There was a letter from Shaun and Stephanie Cryton in favor of approval.

There was another letter from Rob and Melissa Dykes, who reside adjacent to the parcel stating that they were unable to attend the meeting but were in favor of the application.

There was a letter from John and Judy Weber expressing that they were in favor of the application.

Discussion:

Mr. Osewalt asked about the 2 feet request. Mr. Schroeder stated that they are hoping to use it for pavers and would not obstruct any views.

Mr. Loretta asked about the pool. There was already impervious development at this area.

Mr. Buck stated that the house was old and beat up. The contractor finished it and they basically had already built a new house from the old one.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for an easterly side yard of 7.5 feet in lieu of 10 feet required; for 46% lot coverage in lieu of 35% maximum; and for an accessory structure (walkway) 2 feet to a property line in lieu of 5 feet minimum as shown, submitted, and discussed to allow for improvements to a single family dwelling.

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

(F) Case Number: BOA 15-100166

Name of Applicant: William W. Maxwell, Jr.

Property Address: 1147 1st Avenue North

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a front yard setback of 19 feet in lieu of 25 feet required; for a westerly side yard setback of 9.2 feet in lieu of 10 feet required; for a 1,248 square foot dwelling unit with no garage in lieu of a required 1,600 square foot dwelling unit with a one car garage; and for 36.6% lot coverage in lieu of 35% maximum, all to ratify nonconformities related to an existing single family dwelling.

Applicant: The applicant, William Maxwell, 903 13th Street North, stated that they didn't want to do anything, they just want to keep the existing structure as is.

Mr. Loretta noted that if anyone wanted to do anything on the property they would have to come in for a variance anyway.

Public Hearing:

Mark Ingless, 2013 Florida Blvd., spoke in favor of the request. He stated that they intend to keep the same footprint and remodel the house.

Mr. Loretta asked how they were going to build the garage. He added that they would need to come back for a variance if they were building the garage outside the existing

footprint.

Discussion:

Mr. Loretta noted that if they went above the request they would have to come back anyway.

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

(G) Case Number: BOA 15-100167

Name of Applicant: Daniel Caywood

Property Address: 413 South 10th Avenue

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for total side yards of 13.7 feet in lieu of 15 feet and for 45% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant: The agent for the applicant, David Long, requested to speak, but had received no authorization to speak on behalf of the applicant. He then requested that they table it to the next meeting.

Mr. Loretta moved to table this item to the next available meeting, seconded by Mr. Moreland.

Vote on Motion to table: Ayes – Loretta, Moreland, Osewalt, Buck, and Cummings. Motion to this item to the next meeting was approved unanimously.

(H) Case Number: BOA 15-100168 and 15-100169

Name of Applicant: Jack Keiser

Property Address: 1827 South 1st Street

Motion to Approve: For Case BOA 15-100168 it was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a front yard of 12 feet in lieu of 20 feet required; for a corner side yard of 2 feet and total side yards of 7 feet in lieu of 10 feet and 15 feet respectively; for a rear yard of 7 feet in lieu of 30 feet required; and for 59% lot coverage in lieu of 35% maximum to allow for a new single family dwelling. For Case BOA 15-100169 to approve a request for a southerly side yard of 2 feet in and total side yards of 7 feet in lieu of 5 feet minimum and 15 feet respectively; for a rear yard of 7 feet in lieu of 30 feet required; and for 59% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant: The applicant, Dan Elmaleh, 2999 South 1st Street, stated that the purchase agreement from Mr. Keiser is based on the ability to obtain this variance. He turned over surveys of the 2 lots.

Mr. Loretta asked if they got conditional use approval for RS-3. He responded that he had.

Mr. Elmaleh stated that only 56% of the coverage is non-pervious. He then reviewed the plans for the residence that would be placed on these two parcels. He noted that the plan reduces lot coverage and replaces a complex that is in poor condition with two single-family units with a two-car garage.

Mr. Loretta asked Mr. Hays if they should have had a corner side yard variance for Lot 7. Mr. Hays stated that it was included in the first section.

Mr. Loretta stated that there were good arguments for giving the side yard setbacks, however it was non-conforming because it was moved into RS-3. He asked if this was the minimum that could make this successful. Mr. Elmaleh stated that this was. Mr. Loretta then asked if air conditioned space could be lessened to not extend as far.

Ms. Osewalt stated that there could be a problem with 59% lot coverage. Mr. Buck noted that they were reducing from its current coverage of 66% now. Ms. Osewalt noted that when they changed the zoning they changed the lot coverage requirements.

Mr. Hays noted that a multi-family structure would be entitled to 65% lot coverage.

Mr. Loretta stated that it was preferable for 2 units instead of 5, and parking issue would be better. He thought the garage should be set back 18 feet to allow for a car to park on the property instead of on right-of-way. Mr. Elmaleh thought that would be doable.

Jack Keiser, 2100 South Ocean Drive, stated they plan to have rock bedding that would help with impervious issues.

Public Hearing:

Mr. Cummings noted that there was a letter from Bill and Ann Pinner, 1902 South 1st Street in favor of the proposal.

Also there was a letter from Janet Wiley in support of the variance.

There was a letter from Kent and Carol Atkiss, 1818 First Street, South in favor of the proposed variance.

Finally there was a letter from Rick Morrison who owns the property across the street from the subject property in favor of a new single family home in place of the existing multi-family units.

Carol Atkiss, 1818 First Street South, spoke in support of the proposal.

Discussion:

Mr. Loretta stated that he could come up with improvements to approve it or turn it down.

Mr. Moreland stated that he thought this would be an improvement over the existing structure. He thought the lot coverage issue on this side of A1A was a better situation.

Mr. Loretta agreed that a reason to support it was a reduction in units and improvement to the parking situation. He stated a reason for denial was the percentage of lot coverage that some people would consider a precedent.

Mr. Cummings agreed that it would be an improvement going from 5 units to 2 and this would improve the parking situation.

Amended Motion to Approve: For Case BOA 15-100168 it was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 12 feet in lieu of 20 feet required, however a garage unit must be spaced 18 feet setback in lieu of 20 feet required for a corner side yard of 2 feet and total side yards of 7 feet in lieu of 10 feet and 15 feet respectively; for a rear yard of 7 feet in lieu of 30 feet required; and for 59% lot coverage in lieu of 35% maximum to allow for a new single family dwelling. For Case BOA 15-100169 to approve a request for a front yard of 12 feet in lieu of 20 feet required, however a garage unit must be spaced 18 feet setback in lieu of 20 feet required for a southerly side yard of 2 feet in and total side yards of 7 feet in lieu of 5 feet minimum and 15 feet respectively; for a rear yard of 7 feet in lieu of 30 feet required; and for 59% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

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

(I) Case Number: BOA 15-100166

Name of Applicant: Harold Baldwin

Property Address: 609 Patricia Lane

Motion to Approve: It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve a request for a westerly side yard of 5 feet in lieu of 10 feet required and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant: The agent, Marshall Chmura, stated that they purchased the property in July.

They were not informed that it was a non-conforming lot. They are trying to add additional living space. It will be guttered to prevent excess runoff from the improvements.

Mr. Loretta asked if they were tearing down the existing house. Mr. Chmura stated that they were adding to the existing structure. He added that they are reducing the existing coverage from 42%.

Public Hearing:

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

Discussion:

Mr. Loretta noted that if they went above the request they would have to come back anyway.

Amended Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a westerly side yard of 5 feet in lieu of 10 feet required and for 41% lot coverage in lieu of 35% maximum as shown, submitted and discussed, to allow for improvements to a single family dwelling.

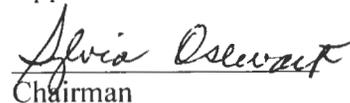
Roll Call Vote on Amended Motion: Ayes – Cummings, Moreland, Buck, Osewalt, and Loretta. Motion approved unanimously.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:39 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:


Chairman

Date: 11/17/2015