

Minutes of Board of Adjustment Meeting
held Tuesday, February 2, 2016, 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 Cummings.

Roll Call

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

Alternates:

Jeff Truhlar
Francis Reddington, *absent*

Ex-parte Communications

There was none.

Approval of Minutes

It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve the meeting minutes from December 1, December 15 and January 5, as presented. The motion was approved unanimously.

Correspondence

None.

OLD BUSINESS:

(A) Case Number: BOA 15-100192

Name of Applicant: Joseph Kenney

Property Address: 215 and 281 8th Avenue North and 214 and 220 9th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a rear yard of 11 feet on the second and third floors and

16 feet on the first floor in lieu of 30 feet required and for 70% lot coverage in lieu of 65% maximum to allow for two, 10-unit multi-family dwellings on each two lot parcel.

Mr. Hays noted that the City's legal counsel has requested to move this item to the February 16th meeting.

Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to table this item until the February 16th meeting. Motion approved unanimously.

NEW BUSINESS:

(A) Case Number: BOA 15-100232

Name of Applicant: CEC Foundation, LLC

Property Address: 337 South 4th Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a parking area setback of 1.6 feet in lieu of 5 feet minimum to the northerly property line and for a corner side yard of 5 feet in lieu of 10 feet required to allow for the development of a children's learning center.

Applicant: The applicant, Autumn Hubsch, 10060 Skinner Lake Drive, Suite 500, Jacksonville, stated that she was the engineer of record. She stated that this was a 3,000 square foot learning center. The variances are for the building awning to be over the setback line, and for the landscape buffer to be reduced to just over one foot. She stated that they are extending the awning an additional 30 inches from what is allowed so it will protect the children. She added that they had to maximize the footprint to accommodate the children. There is an alley directly north of the property so the parking setback should not affect the neighbor. They are also providing an additional 5 feet on the east next to a single family residence.

Mr. Moreland asked how they knew it was for neighborhood kids. Ms. Wotiz, with the foundation church, stated that they were building it based on an assessment by ELC of Duval County.

Mr. Loretta noted that there is a sidewalk that abuts the east property line. He then asked about the southeast property corner. Ms. Hubsch responded that was for the playground area. She added that if they get approved, Public Works would work with them to help provide for the playground. Mr. Loretta stated that he was concerned with the proposal because they would have to fence in the right-of-way area.

Ms. Osewalt asked what the hardship was. Ms. Hubsch stated that the school size

was based on the number of students.

Public Hearing:

Ms. Janice Smith, 410 4th Ave. South, stated her opposition to the building. She expressed concerns about the traffic that would be caused and noted that there was another school in the area that had traffic problems.

Ms. Hubsch stated that she had spoken with Public Works to address traffic and parking issues. Debra Wotiz, 53 Ponte Vedra Blvd., stated that they had met with the churches in the area.

Mr. Loretta asked about the typical morning drop off. Ms. Wotiz stated that it started at 8 a.m. Ms. Osewalt stated that with the number of students there would be about 20 cars expected.

Discussion:

Mr. Loretta stated that the overhang made sense. He added that the property was up against an alley that was used so the buffer issue was not as important as it could be. He did reiterate his concern with the playground area being within the right-of-way.

Mr. Moreland noted that this was abutting two different zoning districts, but given that it is commercial property, it seems like a reasonable request.

Mr. Cummings expressed his concern regarding the traffic issues in the neighborhood. Ms. Osewalt stated that the only speaker, Janice Smith, was opposed to the project. Mr. Loretta agreed, but noted that they could probably have enough stacking area for the patrons and could work with the neighbors to be good neighbors.

Roll Call Vote: Ayes - Moreland, Loretta, and Buck. Nays – Cummings and Osewalt. Motion approved 3-2.

(B) Case Number: BOA 15-100235

Name of Applicant: MaliVai Washington

Property Address: 401 and 403 5th Avenue South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 14.17 feet in lieu of 20 feet required to allow for a two family dwelling.

Applicant: The applicant, Mal Washington, 59 San Juan Drive, Ponte Vedra,

stated that there was a hardship because they could not construct the townhomes to the same plan as approved immediately to the west. He added that the variance had to do with a second story balcony.

Mr. Loretta stated that there was no proof that they could not build to those standards. He asked for more proof, stating that the lot was 125 feet deep. Mr. Washington responded that the other units were townhomes that they built with that floor plan. Mr. Hays clarified that these were three contiguous lots with the same plan.

Ms. Osewalt asked Mr. Washington about the 2015 variance. Mr. Washington responded that it did not address the balcony overhang.

Mr. Moreland asked if this would increase traffic issues. Mr. Washington stated that the CDC project was one block north. He added that there would be some additional traffic from the development of a vacant lot.

Public Hearing:

Ms. Janice Smith, 410 4th Ave. South, expressed her concerns about traffic and parking while development of these lots, noting that it was an only ½ block away from her home. She noted that there were a number of duplexes in this area that contributed to the traffic issues. She added that there were concerns with renters in the area, specifically regarding noise and drinking issues.

Mr. Moreland and Mr. Cummings noted that the parcel is zoned multi-family and the Board did not have the right to deny simply the type of development proposed by the applicant.

Mr. Washington stated that the proposed property is compatible with the neighborhood and they have the ability to build townhomes. They are only asking for the variance to allow for balconies.

Discussion:

Ms. Osewalt stated that they would be hard-pressed to deny it given that they have done the same type of development in adjacent parcels. Mr. Moreland added that the buildings should be an asset to the neighborhood.

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

(C) Case Number: BOA 15-100236

Name of Applicant: Susan Fleming

Property Address: 502 South 2nd Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 14.17 feet in lieu of 20 feet required; for a side yard and corner side yard of 7.5 feet in lieu of 10 feet required; and for 45% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant: The agent for the applicant, Mal Washington, 59 San Juan Drive, Ponte Vedra, stated that the hardship exists in the ability to build the previous townhome plan on these properties.

Mr. Loretta stated that he would not allow the front yard variance in this case, given that all properties to the west were at 20-foot setbacks.

Mr. Washington responded that the floor plan with the balcony extended further. Mr. Moreland stated that he thought the balconies did not inhibit the line of sight. Mr. Loretta responded that he thought that it would be an obstruction to the line of sight. Mr. Washington stated that the property immediately affected would be a one-story so he questioned whether the balcony would be an obstruction.

Public Hearing:

There was no one present to speak for or opposition to the proposed variance.

Discussion:

Mr. Cummings agreed with Mr. Loretta that once you allow this would set a precedent.

Amended Motion: It was moved by Mr. Loretta, seconded by Ms. Osewalt, to approve a request for a side yard and corner side yard of 7.5 feet in lieu of 10 feet required; and for 45% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Roll Call Vote: Ayes – Cummings, Osewalt, and Loretta. Nays – Moreland and Buck. Motion approved 3-2.

Adjournment

There being no further business coming before the Board, Mr. Cummings adjourned the meeting at 7:52 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:



Chairman

Date: 3/1/16