

Minutes of Board of Adjustment Meeting  
held Tuesday, February 16, 2016, 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 Chairman Scott Cummings.

### **Roll Call**

Tom Buck  
Joseph Loretta  
John Moreland (*Vice Chairman*)  
Sylvia Osewalt  
Scott Cummings (*Chairman*)

Alternates:

Jeff Truhlar (*absent*)  
Francis Reddington

### **Ex-parte Communications**

There was none.

### **Approval of Minutes**

It was moved by Mr. Moreland, seconded by Mr. Loretta, and passed unanimously, to approve the following minutes as presented:

- Regular Board of Adjustment meeting held February 2, 2016

### **Correspondence**

There was none.

### **Old Business:**

a. **15-235 Case Number: BOA 15-100229**

**Name of Applicant:** Joseph Kenney

**Property Address:** 215 and 281 8<sup>th</sup> Avenue North and 214 and 220 9<sup>th</sup> Avenue North

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve City of Jacksonville Beach Code Sections 34-339(e)(3)c.3. 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 34-339(e)(3)e. for 70% lot coverage in lieu of 65% maximum to allow for two, 10-unit multi-family dwellings on each two lot parcel, 3 & 4 and 9 & 10, Block 93.

**Applicant:** The applicant's authorized agent, Tim Franklin, 16 Ocean Blvd., Suite 10, Atlantic Beach, stated that he appeared at the Board of Adjustment meeting on January 20, 2016, to discuss the proposed variance. Mr. Cummings stated that the issue of densities will not be addressed by this Board. Mr. Franklin stated that a legal opinion on the densities was issued and agreed it was not a material issue to this Board.

Mr. Franklin stated that this application was substantially different than the prior one. He stated that this one was responsive to the Board's comments. Mr. Franklin stated that there were special circumstances that existed with the land. He stated that there was a lift station that existed near the land. Mr. Moreland asked why this was an issue. Mr. Franklin responded that it would affect the sale of this property. He added that 3<sup>rd</sup> Street had an impact on the property as well, with traffic and drainage issues. He stated that there were difficulties with developing multi-family units on this property. He then reviewed the variance criteria as it applies to this property.

Mr. Franklin noted that they had reduced the request and that this was the minimum that they could ask for to accomplish the development, consistent with the Code. He added that all project stormwater will be retained on the site. He noted they would be addressing the parking issue as well.

Mr. Moreland asked why this hardship was not self-imposed. Mr. Franklin responded that you could ask that from anyone who purchases a non-conforming lot. He added that in order to fully develop the use that the City has designated the property as they would need this variance.

Mr. Reddington asked if 65% lot coverage was unreasonable. Mr. Franklin stated that in the case of this location, it is unreasonable. He added that there is presently no retention on the site and this improvement will help address that issue. Mr. Reddington asked if this would create precedence. Mr. Franklin agreed that is the issue with any case, but added that there were a number of things different with this property than other properties.

Ms. Osewalt asked about a previous denial. Mr. Hays stated that the note on the agenda was inaccurate. In response to a question from Ms. Osewalt, Mr. Franklin confirmed that they would be providing the required parking spaces, removing the request to provide one less required parking space.

**Public Hearing:**

Mr. Adam Dugan, 3500 3<sup>rd</sup> Street South, Jacksonville Beach, expressed his opposition to the proposal on behalf of a neighboring property. He stated that the code allows for a total of eight (8) units without a variance. He stated that there is no hardship to the applicant. Mr. Dugan noted that the Code limits density by lot size. He stated that while density wasn't an issue, his proposed densities were inconsistent with the Comprehensive Plan and the requested units should not be approved as there is no hardship. Mr. Dugan provided information to the Board for the record.

Mr. Loretta responded to the comment about the collaboration of lots. He stated that process has existed forever. Mr. Dugan says that the Code does not allow that. Mr. Loretta responded that it has been done for years everywhere.

Mr. Moreland asked if City staff had failed to analyze densities correctly. Mr. Dugan responded that there may have been a misapplication of lot size, and then explained how the Code would allow certain densities. Mr. Loretta stated that the zoning code was the limiting factor. Mr. Dugan responded that the Comprehensive Plan limited density as well. Mr. Loretta stated that the density was met after Mr. Dugan read the Comprehensive Plan policy. Mr. Buck stated that the densities were not the issue anyway.

Mr. Franklin responded that he thought that they have effectively addressed the issues in their application. He added that you need an RM-2 lot size to meet the densities in the Comprehensive Plan.

**Discussion:**

Mr. Buck stated that they may have got off track at the first meeting talking about density; this was not the Board's charge.

Mr. Moreland stated that he was fine with the backyard variance request, but was not convinced that the lot coverage variance was needed. Mr. Cummings stated that he did not hear one hardship other than the economic hardship to the applicant. Mr. Loretta stated that he thought that it was a commercial district that would allow for greater lot coverage and less setbacks if developed as commercial. This proposal was less intense than what is allowed. In response to Ms. Osewalt, Mr. Loretta added that the Planning Commission had given conditional use approval for multi-family on this site.

**Roll Call Vote:** Ayes – Buck, Loretta, Moreland.  
Nays – Cummings and Osewalt.  
The motion was approved 3-2.

**NEW BUSINESS:**

**a. 16-263 Case Number: BOA 16-100001**

**Name of Applicant:** Carla and Kenneth Lewis

**Property Address:** 3105 1<sup>st</sup> Street South

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve City of Jacksonville Beach Code Sections 34-336(e)(1)c.1. for a front yard of 13 feet in lieu of 25 feet required; 34-336(e)(1)c.3. for a rear yard of 10 feet in lieu of 30 feet required; and 34-336(e)(1)e. for 49% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

**Applicant:** The applicant, Carla Lewis, 3105 1<sup>st</sup> Street South, stated that the lot was undersized. In the previous variance that was approved they were trying to refurbish the existing building on the lot, but as they got into the design they realized that there were problems with the building, so now they are building a new structure and repositioning the unit on the lot.

Mr. Loretta asked if the graphics showed the new house on the renovation. Ms. Lewis stated that the floor plan and size has changed, but they are working with the existing design. Mr. Loretta asked about the driveway line being 20 feet from the property line. Ms. Lewis stated that they would make it work and keep it if necessary.

Ms. Lewis explained how this floor plan was different and how it affected the variance. For code purposes, the front yard is now off of 31<sup>st</sup> Street. Discussion followed on the floor plan and the variances that are being requested.

Mr. Cummings stated that his concern was parking in the driveway and it possibly blocking the sidewalk. Mr. Loretta explained that this was a two car garage so there should be adequate parking space.

**Public Hearing:**

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

**Discussion:**

Mr. Moreland stated that the lot was substandard.

Mr. Loretta stated that maybe they should request the garage to be set back 20 feet from the property line, but what was proposed was probably good enough.

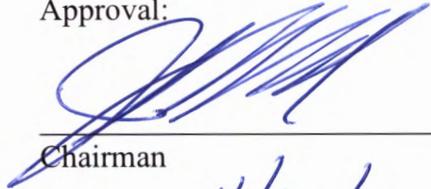
**Roll Call Vote:** Ayes – Buck, Cummings, Loretta, Moreland, and Osewalt.  
The motion was approved unanimously.

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:01 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:



Chairman

Date:

4/19/16