

**Minutes of Board of Adjustment Meeting  
held Tuesday, April 5, 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 at 7:03 P.M.

**Roll Call**

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

**Alternates:**

Jeff Truhlar *Absent*  
Francis Reddington *Absent*

**Ex-parte Communications**

Mr. Moreland stated that he received a letter from Mr. Williams. Ms. Osewalt stated that she had received that letter and spoke with Mr. Williams.

**Approval of Minutes**

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

- Board of Adjustment meeting held on March 1, 2016

**Correspondence**

There was none.

**NEW BUSINESS:**

**(A) 16-234 Case Number: BOA 16-100020, 16-100021, and 16-100022**

**Name of Applicant:** Barnes Construction, LLC

**Property Address:** 3906 Palm Way

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for side yards of 7.5 feet in lieu of 10 feet required to allow for three single family dwellings (one on each lot).

**Applicant:** Mr. Robert Barnes, 3317 Royal Palm Drive, stated that they had built this plan repeatedly. He stated that there was a hardship because of the cost of redoing the plans for these non-conforming lots.

**Public Hearing:**

Mr. Cummings noted that they had one card opposing the proposal but did not wish to speak.

Ms. Charlene Mayo, 3900 Palm Way, expressed concerns about the parking situation. She noted that the street was narrow and was a dead end street. She noted that garbage pickups were sporadic because the vehicle couldn't get to the houses.

Mr. Barnes noted that these were lots of record and they weren't asking for more lot coverage. He noted that they were addressing a drainage problem with Public Works.

**Discussion:**

Mr. Moreland noted that the lots were clearly substandard and is happy Mr. Barnes is not asking for a lot coverage variance. He did not think the street issues was impacted by the variance.

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

**(B) 16-235 Case Number: BOA 16-100023**

**Name of Applicant:** Cox Development Group, LLC

**Property Address:** 3839 Grande Boulevard

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a southerly side yard of 9.8 feet and a northerly side yard of 5.1 feet in lieu of 10 feet required; for a rear yard of 29.9 feet in lieu of 30 feet required; for 45% lot coverage in lieu of 35% maximum; for a parking area setback of 2 feet in lieu of 5 feet required; and for a turf block drive in lieu of parking; all to allow for a single family dwelling on Lot 23.

**Applicant:** The applicant, Russell Cox, 735 11<sup>th</sup> Street North, stated that the lot is non-conforming in size. He stated that he was going to do a side entry garage but was not asking for that anymore. He stated that he is satisfied with 7.5 feet setbacks on each side, and would not need the two-foot parking area setback.

Mr. Loretta stated that they could not change the southerly side variance request because it was greater than the application. Mr. Cox stated that he would keep it as is then. Mr. Loretta asked if the lot coverage would drop if the side entry garage was not built. Mr. Buck asked if he had talked to the neighbors about this. Mr. Cox said that he had and that is why there is a change to the plans. Mr. Loretta asked if the turf block parking was counted as impervious. He thought that they could get down to 40% lot coverage because of that.

**Public Hearing:**

Mr. John Moody, 3821 Grande Boulevard., stated that the two lots were next door to his house. He thought the side yards should be equal. Mr. Loretta stated that they could not ask for greater setback without re-advertising.

Mr. Cox stated that he would have to resubmit a variance for 7.5 feet on each side, so he would be willing to change the request. Mr. Loretta stated that they could not flip it. Mr. Moreland stated that he was bothered with a procedural rule that interferes with neighbors getting together.

**Discussion:**

Mr. Moreland noted that the lot was substandard. He thought that the request were reasonable, adding that the proposed change should be an improvement to the neighborhood.

Mr. Loretta noted that Case BOA 16-100024 was basically identical.

**Amended Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a southerly side yard of 7.5 feet and a northerly side yard of 7.5 feet in lieu of 10 feet required; for 40% lot coverage in lieu of 35% maximum; and for a turf block drive in lieu of parking; all to allow for a single family dwelling on Lot 23.

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

**(C) 16-236 Case Number: BOA 16-100024**

**Name of Applicant:** Cox Development Group, LLC

**Property Address:** 3839 Grande Boulevard

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a southerly side yard of 9.9 feet and a northerly side yard of 5 feet in lieu of 10 feet required; for a rear yard of 29.9 feet in lieu of 30 feet required; for 45% lot coverage in lieu of 35% maximum; for a parking area setback

of 2 feet in lieu of 5 feet required; and for a turf block drive in lieu of parking; all to allow for a single family dwelling on Lot 24.

**Applicant:** The applicant, Russell Cox, 735 11<sup>th</sup> Street North, stated that this lot as well was non-conforming as was the last lot.

**Public Hearing:**

There was no one present to speak in favor of or against this application.

**Discussion:**

Mr. Moreland asked if he would be comfortable with the motion that was adopted for the last lot. Mr. Cox replied that he would.

**Amended Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a southerly side yard of 7.5 feet and a northerly side yard of 7.5 feet in lieu of 10 feet required; for 40% lot coverage in lieu of 35% maximum; and for a turf block drive in lieu of paving; all to allow for a single-family dwelling on Lot 24.

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

**(D) Case Number: BOA 16-100025**

**Name of Applicant:** Jason Huntley

**Property Address:** 1801 Kings Road

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 42% lot coverage in lieu of 35% maximum and for a parking area setback of 1.33 feet in lieu of 5 feet maximum to allow for a new single family dwelling.

**Applicant:** Mr. Loretta noted that there was a letter that was provided that requested the case be moved to the next meeting of April 19, 2016.

**(E) Case Number: BOA 16-100026**

**Name of Applicant:** South Jax Beach, LLC

**Property Address:** 35 37<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 18.3 feet in lieu of 25 feet required and for an easterly side yard of 8.8 feet in lieu of 10 feet required to allow for substantial improvement to a single-family dwelling.

**Applicant:** The agent for the applicant, T.R. Hainline, 1301 Riverplace Boulevard., Jacksonville, provided information to the Board. He noted that a variance for this property was denied on January 20<sup>th</sup>, 2016, and this application was different. He noted that there is no request for lot coverage variance, and eliminate the non-conformity. This also reduces the front yard setback request by three (3) feet. He noted that the requests shows the second-floor porch to be open not enclosed. He added that the variance does keep the request for the existing non-conformity on the east side yard. Mr. Hainline noted that the Comprehensive Plan promotes maintaining existing housing. He added that the pictures they provided address the line of sight issues that were addressed previously. Mr. Hainline then reviewed the photographs to discuss the line of sight issue. He noted that the open porch will remain behind the view of the existing vegetation, and this variance will not encroach on those views.

Mr. Peyman Abadi, 553 Meteor Street, Jacksonville, noted that the existing house was an older cinder block house. He stated that this structure will be an improvement over the existing one.

**Public Hearing:**

Mr. Lee Lockett, 52 36<sup>th</sup> Avenue South, expressed support for the application. He thought it was an improvement to the neighborhood. He stated that the views would not be impeded with this plan. He added that he expected property values to improve.

Mr. Thad Mosely, 3701 Duval Drive, said that he had looked through the file and that compliance with the Code was the only hardship. He thought that denial of the variance was not in conflict with the Comprehensive Plan.

Mr. Steve Williams, 3731 Duval Drive, stated that the applicant has made a strong effort to be accommodating to the neighbors, but they should get this building in compliance with existing standards. He asked that the Board deny the application.

Mr. Mark Mako stated he was in support but didn't speak, as did Sam Hall.

Mr. Steve Jarrett, 3741 1<sup>st</sup> Street South, stated that anytime you get a peek of the ocean it is a significant value. He thought the evidence presented was the exact angles, and if the structure blocked the view, this would be a detriment to property values.

Ms. Jo Dee Evans, 63 37<sup>th</sup> Avenue South, objected to the proposal. She noted that the people doing this work were investors and not neighbors. She noted that the neighbors would be adversely affected by this variance and this set a precedent for other houses in the neighborhood.

Mr. Rick Johnston, 3528 Ocean Drive, spoke as a resident and a member of the

LLC. He stated that he was all for preservation of existing structures and asked the Board to approve the application.

Mr. Curt Simpson deferred to his counsel. Ms. Brenna Durden, 245 Riverside Ave, Suite 150, Jacksonville, stated that she represented the owner of the home right next door. Ms. Durden stated that her client opposed the request, stating that it met none of the standards in the LDC for variances. She added that lots of record that are non-conforming due to lot area may be developed provided that the minimum yard setbacks are met. She added that the Code does not allow for an expansion to a non-conforming structure. She added that the testimonies received are not substantial evidence for this quasi-judicial hearing. She stated that Mr. Mike Saylor was present to give his testimony.

Mr. Cummings reminded the audience that they will make the ruling on the presentations today. Ms. Durden stated that the application only asked for a variance from the setbacks and not for the non-conformities. Mr. Loretta clarified that there is no variance for non-conformities as stated by Mr. Hainline.

Ms. Durden introduced Mike Saylor, who was sworn in as an expert witness. Mr. Mike Saylor, 1401 Riverplace Blvd., Jacksonville, explained his preparation for the hearing. He provided exhibits to the Board. He pointed out that there was nothing peculiar about this lot than others in the neighborhood. Mr. Saylor stated that the only hardship was not being able to comply with the Code, which wasn't a *criteria* for a hardship. He reviewed the standards and stated that this application did not meet those criteria. He pointed out that you are prohibited in the Code from expanding a non-conforming use. Mr. Loretta asked Mr. Saylor if the Board could ever approve a variance based on his testimony. Ms. Durden reminded the Board about the content of the application before the Board. Ms. Durden asked Mr. Saylor if the Comprehensive Plan supported the variance. Mr. Saylor stated that he didn't think there was anything in the Comprehensive Plan that supported approval or denial of a variance.

In rebuttal, Mr. Hainline questioned why an improvement in the non-conformity has created the opposition. Mr. Hainline stated that there was no evidence that it would block ocean views. He added that the Board has approved many variances for non-conforming structures. He stated that they want to make use of the structure that was there, which was encouraged by the Comprehensive Plan. Mr. Hainline stated that there were variances for other structures along this street, and many other variances in the immediate area.

**Discussion:**

Mr. Loretta stated that he questioned the statement that non-conforming lots of record were allowed to seek variances, stating that he strongly disagreed with it.

Ms. Osewalt stated that the request was not to fix a non-conforming lot. Mr. Buck

added that typically the request for a variance from a non-conforming lot was not common. Ms. Osewalt disagreed. Mr. Buck stated that he did not agree that there would be a precedent set with this application – this one stands alone. He noted that one house down the street was further out than this one.

Mr. Loretta stated that they had a letter signed by eight people in favor of the proposed variance. He added that the application has been modified from the last discussion.

Mr. Cummings noted a letter from Lee Ligo opposing the variance request.

Mr. Moreland stated that the applicant has accounted for many of the comments at the earlier hearing.

**Roll Call Vote** Ayes – Buck, Cummings, Loretta, and Moreland. Nays – Osewalt.  
The motion was approved 4-1.

Mr. Moreland stated that for future cases where there is an attorney that those cases be moved to the end of the meeting.

**(F) 16-329 Case Number: BOA 16-100032**

**Name of Applicant:** Joan Valerie Walker

**Property Address:** 586 10<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 15.8 feet in lieu of 20 feet required and for 49% lot coverage in lieu of 35% maximum to ratify existing non-conformities and allow for an addition to a single- family dwelling.

**Applicant:** The applicant, Joan Valerie Walker, 586 10<sup>th</sup> Avenue South, stated that she wanted to add a front porch to the 10<sup>th</sup> Avenue South side of the house. She stated that the neighbors did not oppose this proposal.

Mr. Loretta asked if she could convert to a townhouse in that zoning. Ms. Walker replied that she could.

Mr. Moreland asked about line of sight. Ms. Walker stated that there are four (4) townhouses to be built that will extend further.

**Public Hearing:**

There was no one present to speak in favor of or opposed to the application.

**Discussion:**

Mr. Moreland stated that this was a fairly minimal case.

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

**(G) Case Number: BOA 16-100035**

**Name of Applicant:** Robert G. Vandermeer

**Property Address:** 4 20<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 3.7 feet in lieu of 20 feet required to allow improvements to a townhouse dwelling.

**Applicant:** The applicant, Robert Vandermeer, 4 20<sup>th</sup> Avenue South, stated this request was to extend his deck consistent with the two neighbors to the west. The unit to the east also has this type of variance.

**Public Hearing:**

There was no one present to speak in favor of or opposed to the application.

**Discussion:**

Mr. Loretta stated that he recalled the neighbor's variance from a few months ago where they stated that this applicant would be before the Board. Mr. Moreland stated it was reasonable to allow for all decks to be consistent.

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

**(H) Case Number: BOA 16-100037**

**Name of Applicant:** Andrew and Layla Clauss

**Property Address:** 2702 America Avenue

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for 41% lot coverage in lieu of 35% maximum and for an accessory building 2 feet from property lines in lieu of 5 feet minimum to allow for improvements to a single-family dwelling.

**Applicant:** The applicant, Andrew Clauss, 2702 America Avenue, stated that the home was on a corner lot. The hardship was that he wants to install a small storage shed and would like to keep a large shade tree on the site. In addition, he wanted to add a wood deck under the tree.

Mr. Moreland asked if the shed would be adjacent to existing garages on an adjacent lot. Mr. Clauss confirmed that.

**Public Hearing:**

There was no one present to speak in favor of or opposed to the application.

**Discussion:**

Mr. Moreland stated that the request was reasonable and it would not impact the adjacent parcel.

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

**(H) Case Number: BOA 16-100038**

**Name of Applicant:** Scott Hardy

**Property Address:** 1620 6<sup>th</sup> Street South

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for 37% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

**Applicant:** The applicant, Scott Hardy, 1620 6<sup>th</sup> Street South, stated that they wanted to add to the pool deck. The existing deck was not safe for the children to play in this area. No setbacks would be affected by this request. He added that he had approval from his neighbors and submitted that paper to the Board.

**Public Hearing:**

There was no one present to speak in favor of or opposed to the application.

**Discussion:**

Ms. Osewalt stated that this was one of the least invasive requests they have had.

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

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 9:15 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:



Chairman

Date:

5/17/16