

**Minutes of Board of Adjustment Meeting
held Tuesday, June 21, 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 Scott Cummings. .

Roll Call

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

Alternates:

Jeff Truhlar
Francis Reddington

Ex-parte Communications

None

Approval of Minutes

None

Correspondence

None

NEW BUSINESS:

(A) Case Number: BOA 16-100073

Name of Applicant: John LaSala

Property Address: 1169 4th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for no garage in lieu of a one car garage required to re-establish a lot as a developable lot.

Applicant: The agent for the applicant, Mr. David Gauthier, 4424 Richmond Park Court, stated that the owner wanted them to sell two lots. They originally

were going to be sold as one parcel, but were approached by buyers who wanted to buy them separately. When the new owner went to get a permit, it was denied because the other lot would be not in compliance.

Mr. Moreland asked how this is a hardship. Mr. Gauthier stated that he didn't think the lot was large enough to build a garage for a rental property that this would be. Mr. Buck stated that a number of houses have closed their garages but this was not a hardship for this property.

Ms. Osewalt asked when the existing house was built. Mr. Gauthier responded that it was built in 1952 on Lot 16. Ms. Osewalt stated that with the zoning they could not build a duplex. Mr. Gauthier stated that right now there were garages on Lot 15 used for storage. He stated that Lot 16 will be out of compliance if he takes the garages down.

Mr. Mann stated that this is not unheard of though it is unusual. He stated that the owner of Lot 15 may have to seek civil action, if he or she is not approved for the variance. Mr. Moreland asked how it was the responsibility of the owner of Lot 15 in bringing Lot 16 in compliance. Mr. Mann stated because once it was sold Lot 16 is not in compliance because of there being no garages. Mr. Moreland stated that it was the owner of Lot 15 who was being held for the owner of Lot 16 actions.

Mr. Mann stated that Lot 15 is not a buildable lot because its separation from Lot 16 created this nonconformity. Mr. Gauthier stated that the title company did not find anything during the sale.

Public Hearing:

Mr. Gary Lyon, 1217 4th Avenue North, stated that this appeared to be one residence, one lot. He stated that the seller did not exercise due diligence prior to executing the sale. He stated that the owner of Lot 16 was benefitting by the sale that shouldn't have gone through. He added that the current owner of Lot 16 may seek a variance as well if this is approved. Mr. Lyon also stated that he did not see his name on the list even though he was within 300 feet of the property. Mr. Mann stated that there may be some land owners who were not on the property appraiser's list and would not have received notice.

Mr. Gauthier stated that they intended to provide on-site parking.

Discussion:

Mr. Osewalt stated that this is a title company issue. Mr. Buck noted that there are several houses that have garages in the backyard, and some have enclosed their garages. He noted that the Code states that they need a garage and there was no getting around that.

Mr. Moreland stated that it was not the Board's job to bail out a negligent seller. Mr. Reddington added that this would set a bad precedent.

Roll Call Vote: Nays- Buck, Cummings, Moreland, Osewalt, and Truhlar.
The motion was denied unanimously.

(B) Case Number: BOA 16-100077

Name of Applicant: Matthew Proctor

Property Address: 12 San Pablo Circle South

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for front yard of 11 feet in lieu of 25 feet required and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant: The applicant, Matthew Proctor, 12 San Pablo Circle South, stated they wanted to add additional space for their family. This represented the best plans for the lot.

Mr. Buck stated that this was a corner lot and this would obstruct line of sight to the east. He asked about the improvement proposed. Mr. Proctor stated that they were going to convert a room that used to be a garage back to a garage. He added that there is a tree that currently blocks the line of sight.

Mr. Cummings expressed concern on how far this would come out to the street, compared with the other homes in this neighborhood. Mr. Proctor stated that there were other homes that came out that far.

Mr. Buck asked if he could live with less of a request. Mr. Proctor stated that for the size they wanted probably not. He stated that it really was not an extreme request. Mr. Buck asked about the pool in back, asking why he wasn't making it even with the house. Mr. Proctor stated that they could do that. Discussion followed on how they could redesign the plans to lessen the request.

Public Hearing:

There was no one present to speak in support of or opposed to this proposed variance.

Discussion:

Mr. Moreland stated that this is a substandard lot, but expressed his concern about the 14-foot extension in the backyard. Ms. Osewalt stated that the plans could be changed to avoid this.

Mr. Cummings stated that the issue was not the 41% lot coverage but the additional 14 feet in the front.

Roll Call Vote: Ayes - Buck.

Nays - Moreland, Osewalt, Truhlar, and Cummings.

The motion was denied 4-1.

(C) Case Number: BOA 16-100080

Name of Applicant: Stephanie and Dave Wholey

Property Address: 4005 America Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Buck, to approve a request for a southerly side yard of 5.7 feet in lieu of 10 feet required; for a rear yard of 5 feet in lieu of 30 feet required; for 55% lot coverage in lieu of 35% maximum; and for a parking area setback of 2.7 feet in lieu of 5 feet minimum to allow for improvements to a single-family dwelling.

Applicant: The applicant, Stephanie and Dave Wholey, 4005 America Avenue, stated that the lot is substandard in size and they purchased the lot at this size.

Mr. Buck asked if this was the minimum square footage that they could live with. Ms. Wholey reviewed the plans for the lanai and the pool. She stated that there is a live oak tree on the site and the design was to save the tree. Ms. Wholey stated that they have talked to neighbors and heard no concerns.

Mr. Buck stated that they are asking for 55% lot coverage, and even though the lot is undersized the Board has concerns about lot coverage over 50%. Ms. Wholey stated that they were looking at a fourth bedroom and the width would be too narrow to do that bedroom, which is why they needed to go out 5 feet. She added that they wanted to prevent any new street parking. She said that she could lower the percentage below 50%.

Mr. Osewalt asked about the parking area setback. Ms. Wholey explained how the parking on the site would work. She said that they could move the parking to the front if necessary and put down some pavers that would help with drainage.

Mr. Mann stated that the rear yard variance would be from the edge of the lanai, so they only needed a 25.8-foot setback. He added that a screened enclosure is an allowable structure within the rear yard setback area.

Mr. Buck asked if they would be ok with a 25.8-foot setback. Ms. Wholey stated that would be fine.

Public Hearing:

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

Discussion:

Mr. Buck stated that he would amend the motion.

Amended Motion to Approve: It was moved by Mr. Buck, seconded by Ms. Osewalt, to approve a request for a southerly side yard of 5.7 feet in lieu of 10 feet required; for a rear yard of 25.8 feet in lieu of 30 feet required; for 49.5% lot coverage in lieu of 35% maximum; and for a parking area setback of 2.7 feet in lieu of 5 feet minimum to allow for improvements to a single-family dwelling as shown and discussed.

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

(D) Case Number: BOA 16-100084

Name of Applicant: Robert D. Bauwens

Property Address: 2605 America Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Buck, to approve a request for an accessory structure (pool enclosure) 0.7 feet to the southerly side yard property line and 3.4 feet to the easterly rear property line in lieu of 5 feet minimum to allow for a screen enclosure over an existing non-conforming swimming pool.

Applicant: The applicant, Robert Bauwens, 2605 America Avenue, stated that he bought the house a year ago. There are many trees that drop leaves into the pool. He stated that the pool deck already goes into the easement. He was not changing the pool deck at all.

Mr. Moreland asked if the screen enclosure would need the setback, citing the last case. Mr. Mann stated that if it's a vertical structure the setback goes from the edge of the vertical structure. Mr. Mann stated that they would need to get a revocable encroachment permit from Public Works, for portions of the enclosure that would lie in an easement shown on the survey.

Mr. Buck asked Mr. Mann about the ability to limit the request to the screen enclosure. Mr. Mann stated that this is specifically for an accessory structure and not the building envelope.

Public Hearing:

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

Discussion:

Mr. Buck stated that the pool and deck are already there and have been there, and stated that since it only applies to the accessory structure he had no issues.

Roll Call Vote: Ayes - Moreland, Osewalt, Truhlar, Buck, and Cummings. The motion was approved unanimously.

(E) Case Number: BOA 16-100087

Name of Applicant: Five Points, LLC

Property Address: 528 Beach Boulevard

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a 0 foot front yard setback in lieu of 10 feet required to allow for renovation and occupancy of an existing restaurant building.

Applicant: The applicant, Matt Phillips, 10751 Deerwood Park Boulevard, Jacksonville, stated that the variance to exist an existing structure that exists a few inches from the property line. The project does not include and additions or expansions.

Mr. Moreland asked if they could build to the Code since they are building a new front. Mr. Phillips stated that the foundation is not changing, and that the only thing coming off is the glass. He added that they are doing some site improvements and have a conditional use approval for outdoor seating.

Public Hearing:

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

Discussion:

Mr. Buck noted that he would love to see a new restaurant here and commented on the difficulty of access.

Roll Call Vote Ayes - Osewalt, Truhlar, Buck, Moreland, and Cummings. The motion was approved unanimously.

(F) Case Number: BOA 16-100088

Name of Applicant: Judson Clarkson

Property Address: 504 14th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for additional decking for an existing single-family dwelling.

Applicant: The applicant, Judson Clarkson, 502 14th Avenue North, stated that the home was a replacement structure. They did get a permit for the pool, which is in the west side of the yard. They would like additional decking, with the design calling for minimal decking.

Mr. Moreland asked about the request, noting it was a small portion. Mr. Truhlar asked about the size of the lot. Mr. Clarkson stated it was not big. He added that this was a substandard lot and tried to keep the amount he was seeking as minimal as possible.

Public Hearing:

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

Discussion:

Mr. Moreland stated that this was clearly a substandard lot and the request was reasonable.

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

(G) Case Number: BOA 16-100089

Name of Applicant: Thaddeus M. Moseley

Property Address: 801 South 1st Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a front yard of 5.4 feet in lieu of 20 feet required; for a southerly side yard of 1 foot in lieu of 10 feet required; for a rear yard of 27 feet in lieu of 30 feet required; for 82.4% lot coverage in lieu of 65% maximum; for no maneuvering area behind one parking space in lieu of 23 feet required; and for a parking area setback of 1 foot and 0 feet along the west and north boundary lines, respectively, in lieu of 5 feet required, all to ratify existing non-conformities related to a developed multiple-family residential property.

Applicant: The applicant, Thad Moseley, 3701 Duval Drive, stated this was the last existing motel conversion on the beach. He stated that the highest and best use is as 6 apartment units. He added that at some point anyone who wants to finance this will require that the properties are in full compliance. He stated that

everything about this building has existing since it was built in 1947.

Mr. Reddington asked if they knew it was nonconforming when they bought it. Mr. Moseley stated that they knew.

Mr. Osewalt asked if someone could apply this variance if granted. Mr. Mann stated it could have stipulations.

Mr. Buck asked about the parking spot. Mr. Mann pointed out on the survey provided the one space that lacked maneuvering area. Mr. Buck stated that he agreed that the variance could only go with the existing structure.

Public Hearing:

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

Amended Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for a front yard of 5.4 feet in lieu of 20 feet required; for a southerly side yard of one foot in lieu of 10 feet required; for a rear yard of 27 feet in lieu of 30 feet required; for 82.4% lot coverage in lieu of 65% maximum; for no maneuvering area behind one parking space in lieu of 23 feet required; and for a parking area setback of one foot and 0 feet along the west and north boundary lines, respectively, in lieu of 5 feet required, all to ratify existing non-conformities related to a developed multiple-family residential property, and limited to the site plan as submitted and approved.

Roll Call Vote on Amended Motion: Ayes – Cummings, Moreland, Osewalt, Truhlar, and Buck. The amended motion was approved unanimously.

(H) Case Number: BOA 16-100090

Name of Applicant: New Atlantic Builders, Inc.

Property Address: 417 South 33rd Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for side yards of 7.5 feet in lieu of 10 feet required and for 44.2% lot coverage in lieu of 35% maximum to allow for construction of a new single family dwelling.

Applicant: The applicant, Steve Williams, 3731 Duval Drive, stated that the lot is nonconforming in size, and it required 90-foot lot width, with the lot only 50 feet wide. He stated the neighbors were not in opposition to the proposal.

Public Hearing:

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

Discussion:

Ms. Moreland stated that the request was reasonable and the lot was clearly substandard.

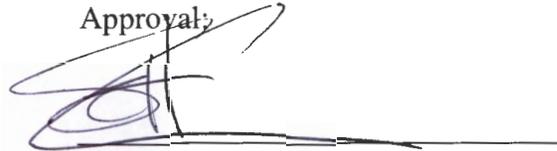
Roll Call Vote: Ayes – Moreland, Osewalt, Truhlar, Buck, and Cummings. The motion was approved unanimously.

Adjournment

There being no further business coming before the Board, Mr. Cummings adjourned the meeting at 8:24 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:



Chairman

Date:

7/19/16