

**Minutes of Board of Adjustment Meeting
held Tuesday, July 19, 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
John Moreland (Vice-Chairman)
Sylvia Osewalt (*absent*)
Scott Cummings (Chairman)

Alternates:

Jeff Truhlar
Francis Reddington

Ex-parte Communications

None

Approval of Minutes

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

- Board of Adjustment meeting held on June 21, 2016

Correspondence

Mr. Mann noted that there were two letters in regard to Cases BOA 16-100103 and BOA 16-100104.

NEW BUSINESS:

(A) Case Number: BOA 16-100100

Name of Applicant: David Palaj

Property Address: 3881 Poincianna Boulevard

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for a front yard of 20 feet in lieu of 25 feet and for side yards of 7.5 feet in lieu of 10 feet required both to allow for construction of a new single family dwelling.

No one representing the applicant was in attendance to address the issue. The case was therefore postponed, and carried over to the August 2, 2016 meeting.

(B) Case Number: BOA 16-100096

Name of Applicant: Robert Bruce

Property Address: 3324 Ocean Drive South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for lot coverage of 84.3% in lieu of 35% maximum and for an accessory structure setback of two feet in lieu of five feet required to allow for a swimming pool and deck addition to an existing dwelling unit.

Applicant: The applicant, Robert Bruce, 3330 Ocean Drive South, stated that this was a pre-existing nonconformity. He added that it currently has coverage of over 90%. He stated that he would take up the concrete and put in pavers, with the pool addition being less coverage than currently exists.

Mr. Moreland asked if the decrease resulted from the pool not counting as coverage. He asked if he could not put back as much to reduce the coverage even more. Mr. Bruce stated that the house footprint along was over 60% coverage. Mr. Loretta added that they are removing the existing walkway and not replacing it. Discussion followed on the amount of coverage that will result from the addition of the pool.

Mr. Loretta asked if this would be ratifying the existing nonconformities, and stated that if he ever did extensive repairs he would have to come back.

Public Hearing:

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

Discussion:

Mr. Moreland stated that while he thought this was reasonable and historically if they decrease lot coverage on these small lots by the ocean, they approved it. He added however that 84% seems excessive.

Mr. Buck stated that he thought the lot coverage percentage was high, but thought it was acceptable.

Amended Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for lot coverage of 84.3% in lieu of 35% maximum and for an accessory structure setback of two feet in lieu of five feet required to allow for a swimming pool and deck addition to an existing dwelling unit as shown and discussed.

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

(C) Case Number: BOA 16-100103

Name of Applicant: JWB Construction Group, LLC

Property Address: 490 South 11th Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 7.5 foot side yards in lieu of 10 feet required and for 44.7% lot coverage in lieu of 35% maximum to allow for construction of a new two-family dwelling on Lot 5.

Applicant: The applicant, Alex Sifakis, 440 7th Avenue South, stated that this a nonconforming lot of record that was typical of variances that they historically have been receiving. He showed other lots in the area that were granted the same or more intensive variances.

Mr. Buck asked if there was a house on part of the lot. Mr. Sifakis noted that there was one house on two lots that they would be removing.

Mr. Moreland asked about the minimum square footage. Mr. Sifakis noted that the width made it nonconforming, not the size of the lot. Mr. Moreland stated that would be a hardship for the side yards, but the size of the lot is conforming. Mr. Sifakis stated that the width would make the lot nonconforming, and the other lots where the variances were granted were the same size.

Public Hearing:

Mr. Tony Komarek, 533 11th Avenue South, provided handouts to the Board. He noted that the lots became nonconforming when conforming lots were subdivided because of narrow streets. He noted that two neighbors have written letters against the variance. Mr. Komarek noted that street parking will be very difficult if this is approved, noting that a third car at these units will need to park in the street. He then read the letter from the next door neighbor, who expressed concern that variance criteria have not been met. The letter stated that the hardship is created by the applicant. The letter expressed concern about traffic and parking in this neighborhood.

Mr. Kevin Gray, 500 11th Avenue South, stated that he has designed homes for lots

that fit, and not overcrowd the community. He expressed concern about parking. He stated that there is no reason that two single-family homes can be designed for these two lots.

Ms. Cheryl Komarek, 533 11th Avenue South, stated that the builder has not created a hardship and expressed concerns about the parking there. She stated that they wanted the builder to stick with the required lot coverage.

Mr. William Goodling, 516 11th Avenue South, expressed his opposition.

Mr. Sifakis responded that they were not making their own hardships. The hardship was created in the 40's when the lots were platted. He added that these lots were zoned for multi-family and that's what they intended to build. He added that these houses were more affordable than single-family to meet a City need. Mr. Sifakis noted that there would be four parking spots on the property which should meet parking issues. He added that most of the lots in this neighborhood had over 44% lot coverage.

Mr. Cummings asked how they could prevent people from renting out these townhomes. Mr. Sifakis stated that they couldn't prevent it, but they didn't think these units made any sense financially to be rented.

Mr. Moreland asked if the other properties were on roads this narrow. Mr. Sifakis responded that they were.

Discussion:

Mr. Moreland stated that this was a substandard lot for side yard but not for lot coverage. He added that there are areas where parking is a problem as duplexes are built. He noted that RS-3 is a single-family zone that allows for duplexes. Mr. Loretta noted that this parcel probably differs from other areas because of the preponderance of single-family units. Mr. Cummings agreed that they needed to look at each case on its own.

Mr. Buck agreed that each one stands alone and how the decision should be made.

Roll Call Vote: Nays – Loretta, Moreland, Truhlar, Buck, and Cummings. The amended motion was denied unanimously.

(D) Case Number: BOA 16-100104

The applicant requested that the case be deferred to the next available date based on case load.

(E) Case Number: BOA 16-100105

The applicant requested that the case be deferred to the next available date based on case load.

(F) Case Number: BOA 16-100108

Name of Applicant: Harriet Turner

Property Address: 1113 Rannie Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt to approve a request for a southerly side yard of 3.3 feet and for side yards totaling 12.6 feet in lieu of 15 feet required to allow for a pergola addition to an existing residential structure.

Applicant: The applicant, Harriet Turner, 1113 Rannie Street, introduced herself.

Mr. Buck asked if the concrete was there already. Ms. Turner responded that it was concrete and pavers. Mr. Buck stated that there was more than 10 feet between her building and the fence.

Mr. Loretta asked if they had talked to the neighbor. Ms. Turner responded that she assumed they sent him a letter, and it was a four-plex.

Mr. Moreland asked how this request was different than before. Ms. Turner said a previous request was denied. Mr. Mann pointed out that a pergola with a roof would constitute lot coverage and the application was in error. Mr. Mann stated that if Ms. Turner wanted an open structure they could hear it tonight, but if they wanted a roof she would need to come back and address lot coverage. Ms. Turner reviewed her site plan to detail what the existing coverage was.

Mr. Moreland stated it would be in everyone's best interest to postpone this case until there was further clarification. Mr. Mann noted that the requirement is that an accurate survey must be submitted with the application, and that this survey is not accurate on what is there.

Ms. Turner requested that the case be postponed until such time as an accurate survey was completed.

(G) Case Number: BOA 16-100109

Name of Applicant: Baxter and Teresa Hayes

Property Address: 3000 South 1st Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for lot coverage of 44% in lieu of 35% maximum to allow for a lanai, deck, and sidewalk addition to an existing single-family dwelling.

Applicant: The applicant, Baxter Hayes, 3000 South 1st Street, stated that this is a

3% increase in lot coverage. He stated that there is a koi pond in the middle of the pool area resulting in the request.

Mr. Moreland asked about the hardship. Mr. Hayes stated that it already exceeded the code for lot coverage. Mr. Moreland stated that he didn't see the hardship.

Mr. Mann reviewed what a hardship would be. Mr. Buck asked when the house was bought. Mr. Hayes responded that he purchased it over seven years ago.

Mr. Loretta asked about the deck and lanai addition. Mr. Hayes described the design of the deck, and stated that the koi pond would be removed. Mr. Loretta clarified that he was removing the koi pond and putting a deck over it.

Public Hearing:

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

Discussion:

Mr. Loretta stated that the survey showed a sidewalk that would be rebuilt and overall the impact was negligible.

Amended Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for lot coverage of 44% in lieu of 35% maximum to allow for a lanai, deck, and sidewalk addition to an existing single-family dwelling as shown and discussed.

Roll Call Vote on Amended Motion: Ayes –Loretta, Moreland, Truhlar, and Buck. Nays – Moreland. The amended motion was approved 4-1.

(H) Case Number: BOA 16-100111

Name of Applicant: John Denneen (Lot 6 portion)

Property Address: 15 South 26th Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard setback of 20 feet in lieu of 25 feet required; for side yards of 7.5 feet in lieu of 10 feet required; for a rear yard setback of 12 feet in lieu of 30 feet required; and for 44.2% lot coverage in lieu of 35% maximum to allow for construction of a new single-family dwelling on Lot 6.

Applicant: The applicant, John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated that the lot was non-conforming in size.

Mr. Buck asked if they were tearing down the existing house. Mr. Denneen stated that it was vacant and that he was. He added that the same variance was granted

for the lot across the street.

Mr. Buck asked if they could consider the two requests as the same. Mr. Mann noted that the lot sizes were the same, and noted that they were doubling the setback from the existing house, with the other lot providing a similar footprint.

Mr. Mann noted that they had to be addressed separately.

Mr. Cummings noted that there was a letter from a neighbor in opposition to the request.

Public Hearing:

Mr. Robert Schnock, 24 25th Avenue South, expressed concern from the house to his backyard. He noted that the request was 170% greater than the requirements from the code. He asked if decks were allowed to cantilever out and whether that would count as a setback. Mr. Mann stated that they would have to meet setbacks. Mr. Schnock stated he was concerned about the noise, and questioned whether notice was sent. He also stated concern about drainage because of lot coverage variances. Mr. Schnock stated that 22 feet variance would be more reasonable.

Ms. Barbara Schnock, 24 25th Avenue South, stated she was concerned with the closeness of the proposed house even though she supported demolition of the existing structure.

Discussion:

Mr. Moreland noted that the lot was significantly substandard. He added that he had concerns with intrusion, but noted that the other houses in the area had similar setbacks. Mr. Loretta noted that the amount of impervious would not be increased.

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

(I) Case Number: BOA 16-100112

Name of Applicant: John Denneen (Lot 7 portion)

Property Address: 15 South 26th Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard setback of 20 feet in lieu of 25 feet required; for side yards of 7.5 feet in lieu of 10 feet required; for a rear yard setback of 12 feet in lieu of 30 feet required; and for 44.2% lot coverage in lieu of 35% maximum to allow for construction of a new single-family dwelling on Lot 7.

Applicant: The applicant, John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated that this was the same as the last request, noting that the lot was non-conforming in size as was the previous one.

Public Hearing:

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

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

Mr. Moreland then thanked Mr. Loretta for all of the hard work that he did while on the Board, noting it was his last meeting. Mr. Loretta thanked the Board and wished everyone well.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:45 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:


Chairman

Date:

