

**Minutes of Board of Adjustment Meeting
held Wednesday, September 7, 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
Jeff Truhlar
John Moreland (Vice-Chairman)
Sylvia Osewalt
Scott Cummings (Chairman)

Alternates:

Francis Reddington
Chase Sams (*absent*)

Ex-parte Communications

Mr. Moreland noted that for Case No. 16-100148, he was approached by neighbors who expressed their objections.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was none, however, Mr. Mann noted that Jon Hays has passed away.

OLD BUSINESS:

(A) Case Number: BOA 16-100104

Name of Applicant: JWB Construction Group, L.L.C.

Property Address: 490 South 11th Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, 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.

Applicant: Mr. Alex Sifakis, 440 7th Avenue, stated that the lot was non-conforming, and they were asking for a variance that was common on lots in this area. He stated that he had met with the neighbors and explained that they could do multi-family with 3 stories, and he would let the neighbors decide what they wanted.

Public Hearing:

Mr. Cummings stated that there were a lot of people who had filled out speaker cards for this agenda item.

Ms. Jane Allen, 484 11th Avenue South, stated her opposition to the variance. She stated that she wished she could have talked to Mr. Sifakis earlier. She stated that there were concerns with parking, stating that the proposed variance will make parking and traffic worse. She stated that street parking would encroach onto her property and may affect mail delivery. She added that presently there is one unit on the two parcels and the applicant knew this when purchased.

Ms. Carol Nogid, 442 11th Avenue South, stated her opposition to the variance. She questioned why her street was zoned for multifamily. She stated that there was no hardship to the applicant, the request was only to make money. She added that she had talked to the Planning Department about getting it rezoned.

Mr. Kevin Gray, 500 11th Avenue South, stated that his issue was with the concept of development in this area. He stated that this proposal was to make money and expressed concern about the impact to infrastructure, such as traffic, water and sewer, solid waste, etc.

At this point, Mr. Sifakis stated his request to table this item to give him further opportunities to discuss this with the neighbors.

Motion: Mr. Moreland moved that the motion be withdrawn for this case and the second one.

Mr. Mann noted that the motion was to withdraw; therefore the application would start anew.

Amended Motion: Mr. Moreland moved deferral of BOA #16-100104 and BOA #16-100105. The motion to defer was seconded by Mr. Buck. The motion to defer these two cases was approved unanimously.

(B) Case Number: BOA 16-100105

Deferred by vote of the Board.

(C) Case Number: BOA 16-100117

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 1818 Foss Lane

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 5-foot side yards in lieu of 10 feet required and for 61.7% lot coverage in lieu of 35% maximum; and for accessory structure setbacks of 1 foot in lieu of 5 feet required to allow for a construction of a new two-family dwelling

Applicant: The applicant, Tim Millard, 230 15th Street South, stated that he was reducing density, and the coverage was allowed 65% for flats, so this is reduced. The units are being put farther back than approved. He stated back in 2011 that the existing variance was more intense and the BOA asked if two units instead for four could be built. Overall, he stated that this proposal reduced density from that which could be constructed.

Mr. Mann noted that FDEP would initially determine the rear yard or oceanfront setback for the project, and that Jacksonville Beach zoning would kick in only if FDEP were to allow the building to be sited with 30 feet of the rear property line.

Public Hearing:

Ms. Diane Halstead, 1901 1st Street North, #206, stated that she thought they needed more information. She asked what the plans were for the existing building. Ms. Osewalt responded that this variance was for a duplex on this property.

Mr. Ken Filip, 1809 1st Street North, stated he was in support of the proposal, stating that he was against the variance that was granted in 2011. He stated that he could do 65% lot coverage and lower setbacks than proposed. He added that the density was less than was granted in 2011.

Ms. Beth Acheson, 1824 North First Street, stated that she was in favor of the proposal. She liked the idea of small beach cottages on these parcels.

Mr. Tom Franklin, 1809 North First Street, #301, asked why the order was changed. Mr. Cummings responded that it was the request of the applicant. Mr. Franklin asked about lot coverage; Mr. Mann explained what constitutes lot coverage. Mr. Franklin stated that these lots were prone to flooding. He stated that pervious driveway rather than pavement would be preferable.

Mr. Gregg Modrack, 1809 First Street South, noted that this was a step in the right direction, but noted that there was no hardship listed in the application file. He added that this will reduce his view and may affect his property value.

Mr. Gary Wetherhold, 1809 North First Street, #201, expressed his support.

Mr. Bryan Green, 3810 Tropical Terrace, architect for the project, stated that the lot coverage is being reduced. He stated the design addresses issues with impervious surface.

Mr. John Wadman, 127 1st Avenue South, expressed his support for two small duplexes rather than what could be built.

Mr. Mark Patterson, 1809 1st Street South, #201, stated his argument extended to this case and the next. He stated that when the properties were purchased they did not expect this type of units. He stated that there is no hardship to the applicant.

Mr. John Atkins, 286 South First Street, stated that there is a hardship due to the width of the parcel. He added that there will be a three-car garage so parking should not be an issue. He stated that the road is the high point and the water flows east to the ocean, so flooding should not be an issue.

Mr. Cummings read an e-mail from a neighbor in support of the proposal.

Mr. Millard stated that this is a smaller footprint with better parking. Discussion then followed on the pitch of the roof and its design.

Mr. Moreland asked if the side yard setbacks could be increased. Mr. Millard stated not for the garages to work.

Discussion:

Mr. Buck stated that he was in support of the increase in front yard setback from what is already approved. He added that it would also be an improvement to get rid of the existing structures.

Amended Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve a request for five-foot side yards in lieu of 10 feet required and for 61.7% lot coverage in lieu of 35% maximum; and for accessory structure setbacks of one foot in lieu of five feet required to allow for a construction of a new two-family dwelling, as presented and discussed at this meeting.

Roll Call Vote on Amended Motion: Ayes – Buck, Cummings, Moreland, and Truhlar.

Nays – Osewalt.

The amended motion was approved 4-1.

(D) Case Number: BOA 16-100110

Name of Applicant: John Atkins

Property Address: 1888 North Oceanfront (aka 1888 Foss Lane)

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for five-foot side yards in lieu of 10 feet required and for 61.3% lot coverage in lieu of 35% maximum; and for accessory structure setbacks of 1 foot in lieu of five feet required to allow for a construction of a new two-family dwelling.

Applicant: The applicant, John Atkins, 286 1st Street South, stated just as in the last case the hardship was a substandard lot width. The existing structure has no parking, and the house sits 12 feet back, where they will build 20 feet back.

Public Hearing:

Mr. Brian Green, 3810 Tropical Terrace, noted that it is similar to the last one. He stated that this property is closer to public parking, and thought by pushing it back will increase the views and reduce blight.

Ms. Nadia Ioannides, 5 17th Avenue North, Apt. 501, stated her condominium Board's opposition to the variance. She stated that the buildings should be in the legal variances.

Ms. Beth Acheson, 1824 1st Street North, voiced her support for this proposed variance. She stated that preferred small beach cottages to larger houses that could be built here.

Ms. Lynn Franklin, 1809 1st Street North, stated that the application is curious in that it states the property to the south was granted the same variance. She thought it was not the same. She wondered why they were asking for a two-family dwelling when they could build a single-family dwelling.

Mr. Gregg Modrack, 1809 1st Street North, stated his objections were the same as the other lot.

Mr. Ken Filip, 1809 1st Street North, asked the Board to ask the developer to stipulate to a maximum height. Mr. Mann noted that they do not allow building height variance. He stated that the request would be conditioned on building a pitched roof on the structure.

Mr. Atkins stated that they set up a meeting with the neighbors to discuss the plans. Mr. Truhlar asked if they would be willing to modify their request. Mr. Mann noted that would require another application to be re-advertised. Mr. Atkins noted that the front door is actually at the side and the reduced request would not be feasible.

Discussion:

Mr. Cummings noted that much of the opposition was about the Land Development Code and that could only be modified by vote of the City Council.

Amended Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Truhlar to approve a request for five-foot side yards in lieu of ten feet required and for 61.3% lot coverage in lieu of 35% maximum; and for accessory structure setbacks of one foot in lieu of five feet required to allow for a construction of a new two-family dwelling, as presented and discussed at the meeting tonight and for the preceding case.

Roll Call Vote on Amended Motion: Ayes – Moreland, Truhlar, Buck, and Cummings.

Nays – Osewalt.

The motion was approved 4-1.

(E) Case Number: BOA 16-100136

Name of Applicant: Pamela Fontecilla

Property Address: 1060 North 16th Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 49.6% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to an existing single-family dwelling and swimming pool on Lot 18.

Applicant: The agent for the applicant, Philip Cole, 5241 Villa Drive, St. Augustine, stated that the lot was substandard in size. This would be for the paver additions around the pool. He added that the lot coverage could be reduced from what is requested. Ms. Osewalt asked how much it could be reduced by. Mr. Cole responded that would be up to the Board. Mr. Moreland asked what the minimum amount of variance that could allow for the project. Mr. Cole stated that what they asked for is what they need. Discussion followed on the plans for the pool.

Public Hearing:

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

Discussion:

Mr. Cummings noted that 49.6% was very close to the 50% cap.

Amended Motion to Approve: It was moved by Mr. Buck, seconded by Ms. Osewalt, to approve a request for 48% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to an existing single-family dwelling and swimming pool on Lot 18.

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

NEW BUSINESS

(A) Case Number: BOA 16-100137

Name of Applicant: BCEL 5, LLC

Property Address: 1300 North 2nd Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a corner side yard and westerly side yard of five feet in lieu of 20 feet and ten feet required respectively and for a rear yard of ten feet in lieu of 30 feet required to allow for construction of a three-unit multiple family dwelling.

Applicant: The applicant, Alex Sifakis, 440 7th Avenue South, stated that this was a non-conforming lot of record. He noted that they are allowed to go to 65% and will only have 41.6% lot coverage. He stated that the building faces the avenue therefore the traffic should be reduced on 2nd Street. Mr. Buck noted that the total impervious area is 51%, which is still under the 65%. Discussion followed on the design and the building layout.

Mr. Mann noted that the lot size is insufficient to build townhouses; therefore, the project would be a condominium.

Public Hearing:

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

Discussion:

Mr. Buck noted that the proposal was consistent with the area.

Mr. Moreland stated that he liked the plan to exist on 12th Avenue.

Ms. Osewalt asked about the zoning, and noted that he could build a two-family dwelling.

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

(B) Case Number: BOA 16-100148

Name of Applicant: Oliver Kraut

Property Address: 226 Tallwood Road

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a side yard of three feet in lieu of ten feet required to allow for an addition to an existing single-family dwelling.

Applicant: The applicant, Oliver Kraut, 226 Tallwood Road, stated that he needs to pull the garage back to keep it out of the line of sight of the neighbor. He stated that there is a huge oak tree that he would like to save. He noted that the lot is flag-shaped and is non-conforming; and there is a 30-foot utility easement in the front of the lot. He stated that his neighbor has already been granted a similar type variance. He then described the variance granted to the neighbor next door.

Mr. Kraut noted that the neighbor's runoff drains to his property, and his property will retain his runoff as well.

Mr. Truhlar asked about the design and why the garage just wasn't run parallel to the property line. Mr. Kraut responded that the opposite corner from the 3 foot request gets pulled out further and this would restrict his ability to get from the house to the garage. Mr. Buck asked about the design and stated that there was a pretty good size area where the garage could be situated.

Ms. Osewalt asked what causes the hardship, given that he already has a house and a two-car garage. Mr. Kraut stated that he had the same right for a variance as his neighbor, who already has two garages. Mr. Kraut stated that he could go to 5 feet and that would make him in compliance in the front.

Mr. Buck noted that every variance stands on its own, and it is irrelevant what was granted to the neighbor's property. Mr. Kraut noted that the garage would be more visible if built according to the Land Development Code.

Public Hearing:

Ms. Kim Price, 233 Tallwood Road, expressed her opposition to the proposed variance. She stated that there is ample space on the property on which to place the boathouse. She stated that there would be drainage issues as a result of this variance. She expressed concerns about the visual impact of this proposal. Ms. Price then noted how her variance differed from his request. She added that this did not match the character of the neighborhood. Mr. Moreland noted that Ms. Price had submitted a letter from neighbors opposing the request.

Mr. Michael Loizos, 222 Tallwood Road, stated that all neighbors have concerns with the variance. He stated that the proposal would decrease property values. He stated that the neighbors had offered numerous suggestions, but Mr. Kraut was unwilling to change the plan.

Mr. Kraut stated that he would be OK with 6.4 feet consistent with the neighbors, and change the overhang as well. He added that the breezeway is an acceptable means to connect the buildings. Mr. Kraut presented letters from neighbors in support of the variance. Mr. Moreland asked about the marsh area and how it affected lot size. Mr. Kraut noted that the marsh area has been decreased due to actions of the State, and there are no restrictions on what you can do with the marsh area. Mr. Moreland responded that he was not sure as to why the property created a hardship.

Discussion:

Mr. Moreland and Ms. Osewalt agreed that there was no hardship for this parcel.

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

(C) Case Number: BOA 16-100149

Name of Applicant: Diane Cox

Property Address: 1205 North 8th Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a rear yard of 17.5 feet in lieu of 30 feet required to allow for an addition to an existing single-family dwelling.

Applicant: The agent for the applicant, Albert Valdes, 425 Captiva Drive, Ponte Vedra, explained that they are adding to a garage to build a mother-in-law apartment. The proposed addition will meet the requirement provided the existing garage is determined to be in compliance. Mr. Mann explained that the expansion of the southerly bay makes the garage as part of the principal structure, which changes the setback requirements.

Mr. Cummings asked why a ten-foot side variance is allowed. Mr. Mann responded that the only non-conformance he is creating is in the back yard.

Public Hearing:

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

Discussion:

Mr. Moreland and Ms. Osewalt stated that he thought this was a reasonable request.

Amended Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a rear yard of 17.5 feet in lieu of 30 feet required

to allow for an addition to an existing single-family dwelling, as shown, submitted and discussed.

Roll Call Vote on Amended Motion: Ayes – Moreland, Osewalt, Truhlar, Buck, and Cummings.

The amended motion was approved unanimously.

(D) Case Number: BOA 16-100151

Name of Applicant: Atkins Builders, Inc.

Property Address: 720 North 4th Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt to approve a request for side yards of 6.25 feet in lieu of 10 feet required; for a rear yard of 20 feet in lieu of 30 feet required; and for 53.4% lot coverage in lieu of 35% maximum to allow for construction of a new two-family dwelling.

Applicant: The applicant, John Atkins, 286 1st Street South, stated that the lot is zoned RM-1. They plan to build a connected townhome, which sell for more than a duplex. This will look like a single-family home so will be consistent with the neighborhood.

Mr. Buck asked if they had talked to the neighbors, stating that there were single-family units in the area. Mr. Atkins stated that there was a combination of single and two-family dwelling units in the area.

Mr. Reddington asked if they could live with less than 53.4% lot coverage. Mr. Atkins stated that 65% is allowed if you are doing three or more units. Ms. Osewalt asked if they reduce it if it was a duplex, and could the lot coverage be reduced if it was a duplex. Mr. Atkins responded that the walkways would go to the interior and should not change the lot coverage.

Public Hearing:

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

Discussion:

Mr. Buck noted that he did not like the coverage but it was a small lot.

Roll Call Vote: Ayes – Truhlar, Buck, Cummings, and Moreland.

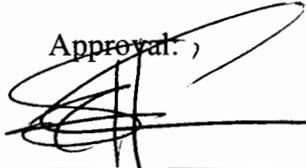
Nays – Osewalt.

The motion was approved 4-1.

Adjournment

There being no further business coming before the Board, Mr. Cummings adjourned the meeting at 9:38 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval: 

Chairman
Date: 11/01/16