

**Minutes of Board of Adjustment Meeting
held Tuesday, December 6, 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 (*absent*)
Jeff Truhlar (*absent*)
John Moreland (Vice-Chairman)
Sylvia Osewalt
Scott Cummings (Chairman)

Alternates:

Francis Reddington
Chase Sams (*absent*)

Ex-parte Communications

None

Approval of Minutes

It was moved by Ms. Osewalt, seconded by Mr. Moreland, and approved unanimously, to approve the following minutes, as presented:

- Board of Adjustment meeting held on September 20, 2016
- Board of Adjustment meeting held on November 1, 2016

Correspondence

Mr. Cummings noted that there was correspondence that would be referred to during the item addressed.

OLD BUSINESS:

(A) Case Number: BOA 16-100182

Name of Applicant: Michael Klamm

Property Address: 2704 South 2nd Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a front yard setback of 20 feet in lieu of 25 feet required and for a rear yard setback of 11.5 feet, in lieu of 30 feet required, to allow for construction of a new single-family dwelling.

Applicant: The applicant, Mr. Michael Klamm, 115 9th Avenue South, stated that the lot was nonconforming. He stated that they are trying to design a house with the least impact but need the variance to build this house. He stated that he has talked to the neighbors who have also received variances.

Mr. Moreland asked if the 11.5 feet variance only referred to the one corner. Mr. Klamm confirmed that, stating that it does not affect the total lots that border the back yard, and the average is 20 feet. Mr. Mann clarified how the setback was measured perpendicular to get to the 11.5 feet.

Public Hearing:

Mr. Allen Skipper, 2607 Madrid Street, stated that his lot is the most impacted by the proposed variance. He expressed his opposition to the request, stating that a setback reduction of this amount is not justified. He then reviewed some photos that were provided to the Board. He then reviewed his reasons for opposing the request.

Mr. Wade Olszewski, 124 28th Avenue South, expressed his support for the request, noting that there were houses on this block who have received similar variances.

Mr. D. Randall Briley, 2215 3rd Street South, stated that he represented two of the owners most affected by the request. He stated that this would negatively affect the values of the surrounding properties. He then noted other cases that supported his contention that this property should not receive the variance. He added that a structure could be built if the plans were re-designed consistent with the required setbacks.

Mr. Jim Sorrell, 1410 Highland Road, stated that the applicant has made concessions and they could be approved as conditions.

Ms. Misty Stephens, 2609 Madrid Street, stated that her lot was much smaller than hers and she had a 35' setback. She stated that 11.5 feet was too close to her lot. She added that there were concerns with drainage and this could add more standing water. She stated that the request could be lessened by at least 5 feet.

Mr. Ed Berleman, 2812 Abacoe Lane, expressed his opposition to the proposal, stating that the request was too much.

Ms. Estelle Melon, 2703 Madrid Street, voiced her opposition to the rear yard setback request.

Mr. Klamm stated that their building will be 35% lot coverage, which is less than other units in the area so drainage should not be a concern. In response to Mr. Moreland, Mr. Klamm stated that he could only get 10% lot coverage without variance. Mr. Klamm then explained the plans for the house.

Mr. Cummings then made note of a letter into the record from William Scott opposing the variance.

Discussion:

Mr. Moreland stated that this meets conditions of a hardship given the shape of the lot, and the applicant made an effort to address impacts to the neighbors.

Ms. Osewalt stated that the house was of sufficient size and could be reduced to meet the setback requirements. Mr. Cummings and Mr. Reddington expressed concerns about the impacts to the neighbors. Mr. Cummings stated that he was not comfortable without plans. Mr. Moreland agreed. Mr. Mann stated that they could continue the application to a future meeting.

Mr. Moreland moved to continue the proposal until the applicant provides a plan showing the backside of the meeting and requested a modification to the request. The motion died from a lack of a second.

Mr. Klamm requested continuance of this request until the next meeting. Mr. Mann noted that if the house is shifted to the front it will require a separate application due to a decrease in front yard setback that was not advertised.

NEW BUSINESS:

(A) Case Number: BOA 16-100186

Name of Applicant: Craig Arial

Property Address: 2008 Waterway Island Lane

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a parking area setback of 0 feet in lieu of five feet required to allow construction of a new single-family dwelling.

Applicant: The applicant, Mr. Craig Arial, 2332 Dunn Avenue, Jacksonville, stated that the purpose of the request is to save a 100 year-old tree. Mr. Moreland stated that he could not find this address when doing his pre-meeting surveys. Mr. Mann noted that this oak tree is over three feet in diameter.

Public Hearing:

Ms. Shandy Thompson, 522 3rd Avenue South, expressed her support for saving

the oak tree.

Discussion:

Mr. Moreland stated that he was in favor of saving this type of tree. Mr. Cummings agreed, noting that no one was here to speak against it.

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

(B) Case Number: BOA 16-100188

Name of Applicant: MaliVai Washington

Property Address: 605 South 3rd Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 7.5 feet side yards in lieu of 10 feet required and for 45% lot coverage in lieu of 35% maximum to allow for construction of a new two-family dwelling.

Applicant: The applicant, MaliVai Washington, 554 Jacksonville Drive, stated that the applicant cannot construct residences there similar to others in the area due to the configuration of the lot. He added that these were two-story buildings.

Public Hearing:

Mr. Tony Komarek, 533 11th Avenue South, providing exhibits showing the street and houses in the area. He stated his opposition to the proposed variance, noting that it did not match the other houses in the area.

Ms. Shandy Thompson, 522 3rd Avenue South, agreed with the previous speaker that the proposed structure did not fit in with the area, and expressed concerns with privacy. She added that these were rentals and this was turning into a problem. She thought a single-family unit would be more appropriate.

Mr. Alexander Sifakis, 440 7th Avenue South, stated that this was a multifamily area zoned as such. He stated that this would be an asset to the City.

Mr. Washington noted that the other townhomes they have sold were owner-occupied and not rentals. He added there were many structures in this area that they have built similar to the proposed units.

Mr. Mann stated that they requested the 7.5 feet setback to be able to build a two-car garage for each unit. He noted that a two-family unit was the least intensive development allowed on this parcel.

Discussion:

Mr. Moreland stated that he had read that the City was considering amending the Code such that only a single-family house could replace a single-family house that was torn down. He added that this was not the Code right now, and encouraged citizens to express their concerns to the City Council.

Mr. Moreland stated that duplex densities were creating problems, but added that the proposed two-car garage would be a benefit.

Mr. Cummings agreed with the two-car garage, noting that the number of side entries were not good for the City.

Roll Call Vote: Ayes – Osewalt and Moreland.
Nays – Reddington and Cummings.
The motion was denied 2-2.

(C) Case Number: BOA 16-100189

Name of Applicant: Harry Strayer, III

Property Address: 601 11th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 45% lot coverage in lieu of 35% maximum to allow a detached garage, driveway, and residential addition to an existing single-family dwelling.

Applicant: The applicant, Harry Strayer, 601 11th Avenue North, stated that the lot size was 8250 feet, which was non-conforming. He stated that this lot coverage was reasonable with the neighborhood. He stated that he was asking for 45% because he was going to also do a bedroom addition and had not yet finalized plans with the builder.

Mr. Moreland noted that the guidelines were for the least variance possible. Mr. Strayer added that he was trying to do. Mr. Mann added that the house was only 900 square feet, and the minimum required was 1600 square feet.

Ms. Osewalt asked about the existing driveway. Mr. Strayer responded that there would be pavers.

Public Hearing:

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

Discussion:

Ms. Osewalt noted that the house was an existing 900 square feet house. Mr. Cummings stated he had no issue with the expansion of the existing patio and other proposed improvements.

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

(D) Case Number: BOA 16-100196

Deferred to December 20, 2016 meeting.

(E) Case Number: BOA 16-100197

Deferred to January 3, 2017 meeting.

(F) Case Number: BOA 16-100198

Deferred to January 3, 2017 meeting.

(G) Case Number: BOA 16-100199

Deferred to January 3, 2017 meeting.

(H) Case Number: BOA 16-100200

Name of Applicant: Brannon Shea

Property Address: 1302 North 2nd Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 54% lot coverage in lieu of 45% approved via prior variance; for and accessory structure setback of 2 feet from the northerly property line, 3 feet from the easterly property line, and 3.8 feet from a principal structure, each in lieu of 5 feet required, to allow a pool and pool deck addition to an existing single-family dwelling.

Applicant: The applicant, Brannon Shea and Heather Shea, 1302 2nd Avenue North, stated a previous variance was approved in 2010 for an additional room. Mr. Shea stated that the variance requested was for a pool. He added that the southerly neighbor recently added a pool through a variance. Ms. Shea stated that she had researched and could get it for less than 54%. She stated that when purchased the coverage was over the required coverage. She then provided justification for the requested variance, noting that the request was similar to the neighbor's approved variance. She then provided a plan diagram of the proposed pool project.

Mr. Mann noted that they were eligible to reduce their request without readvertisement.

Public Hearing:

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

Amended Motion to Approve: It was moved by Mr. Reddington, seconded by Mr. Moreland, to approve a request for 49.9% lot coverage in lieu of 45% approved via prior variance; for and accessory structure setback of two feet from the northerly property line, three feet from the easterly property line, and 3.8 feet from a principal structure, each in lieu of five feet required, to allow a pool and pool deck addition to an existing single-family dwelling.

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

The amended motion was approved unanimously.

PLANNING DEPARTMENT REPORT

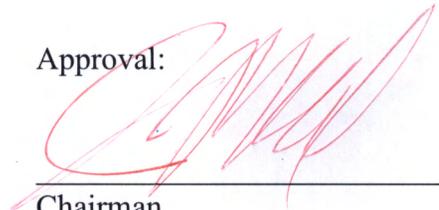
Mr. Mann stated that he needed to know when members were not planning to attend.

ADJOURNMENT

There being no further business coming before the Board, Mr. Cummings adjourned the meeting at 8:21 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:



Chairman

Date: 02/07/2017
