Minutes of Board of Adjustment Meeting
held Tuesday, December 20, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida

JACKSONVILLE BEACH

Call to Order

The meeting was called to order by Chairman Scott Cummings.

Roll Call

Tom Buck
Jeff Truhlar *(absent)*
John Moreland (Vice-Chairman)
Sylvia Osewalt
Scott Cummings (Chairman)

Alternates:
Francis Reddington
Chase Sams

Ex-parte Communications

None

Approval of Minutes

None

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, Jacksonville Beach, stated that the lot is substandard and difficult to build on.

Mr. Moreland asked how this is different than last time it was presented. Mr. Klamm answered that he has now provided elevation showing windows and the house has been redesigned to bring the back of the house away from the borderline.

Public Hearing:

Mr. Cummings read a letter into the record from Misti Stephens, 2609 Madrid Street, stating she would like to possibly have a 15-foot setback in lieu of 25 feet.

Dan McCarthy, 1679 Seminole Road, Atlantic Beach, owner of Better Homes Lifestyles Realty, stated he had reviewed the plans and they seemed fair.

Wade Olszewski, 124 28th Avenue South, Jacksonville Beach, is in support of the agenda item but did not wish to speak.

Thomas Mnich, 3618 1st Street South, Jacksonville Beach, stated he had worked with the Klamms on this plan for a few months. He commented that the lot coverage is under 35%. He added the 31 palm trees along the property line will be retained for privacy.

Allen Skipper, 2607 Madrid Street, Jacksonville Beach, stated at the meeting of December 6, 2016, he commented that the setback reduction of 62% and building a three-story structure only 11 feet from his property line was unacceptable. He is concerned with loss of home value. He added he has seen the renderings of the updated plans; however, there is only a 2.5-foot difference in the setback request. He requested the Board grant a rear setback of 20 feet.

D. Randall Briley, 2215 South 3rd Street, Jacksonville Beach, attorney for Allen Skipper, stated prior similar variances granted could not apply. Every variance stands on its own. He commented that the proposed footage between houses is 44 feet and it should be 60 feet. He stated there was a similar triangular lot at 2601 Madrid Street with a larger house than is proposed; therefore, there is no hardship. He requested the Board deny the application.

Mr. Klamm stated the triangular lot at 2601 Madrid Street had a much larger area to build on. He presented the calculations for his lot at the last meeting and showed that with no variances there is no way to build the house. He added he would like to build the house and is willing to find a solution.

Discussion:

Mr. Moreland stated the lot size and shape meet the criteria of hardship and he is inclined to support this application.

Ms. Osewalt commented that since a house can be built on the property it is not as much of a hardship.

Mr. Reddington stated he had concerns regarding the proposed three-story house.

Roll Call Vote: Ayes – Cummings and Moreland.
Nays – Buck, Osewalt, and Reddington.
The motion was denied by a 3-2 vote.

(B) Case Number: BOA 16-100196

Name of Applicant: John Atkins and Timothy Millard

Property Address: 1818 Foss Lane and 1888 Foss Lane

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for exterior unit side yards of five feet, each in lieu of 10 feet required; for accessory structure setbacks of one foot, in lieu of five feet along side property lines, to allow for construction of a new three-unit townhouse structure.

Applicant: The applicant, John Atkins, 286 South 1st Street, Jacksonville Beach, stated the hardship for the properties is the substandard lot width of 49 feet. There is a five-foot side setback variance already in place for both. He is asking to build three single-family style homes rather than two duplexes. He added that the Land Development Code does not address the issue of going from two duplexes to a three-unit multifamily dwelling.

Public Hearing:

Mr. Cummings read a letter into the record a letter from Maureen and Gregg Modrack, 1809 North 1st Street, Unit 303, opposing the variance.

Corey Haag, 1633 North 3rd Avenue, Jacksonville Beach, filled out a speaker card opposing the agenda item, but did not wish to speak.

Mr. Cummings stated that Serena Point Condominiums, located at 1809 1st Street North, are directly west of the subject property.

Ken Filip, 1809 North 1st Street, Unit 702, Jacksonville Beach, submitted photographs to the Board. [on file] He stated that the current structure on the property is blighted and has been a problem for years. He requested putting a contingency on the variance to have the existing structure demolished no later than July 1, 2017.

Ms. Osewalt questioned the Board of Adjustment's purview to state a demolition contingency.

Bill Mann, Planning and Development Director, answered that it is not an

unreasonable condition if it is germane to the request. It can be included if the applicant is amenable to it.

Thomas Franklin, 1809 North 1st Street, Jacksonville Beach, requested the status of the approval from the Department of Environmental Protection regarding the previous variances granted for these properties.

Mr. Mann replied that both properties require a coastal permit due to the coastal construction control line. The viewshed and quality of construction are factors that the Department of Environmental Protection considers. He briefly explained both the state and local permitting process.

Mr. Franklin stated he supported Mr. Filip's request regarding the contingency for a deadline of July 1, 2017, to demolish the existing structure.

Ryan Wetherhold, 19 South 12th Street, Jacksonville Beach, stated he is in favor of the agenda item.

Beth Acheson, 1824 North 1st Street, Jacksonville Beach, is in support of the agenda item but did not wish to speak.

Bryan Green, 3810 Tropical Terrace, Jacksonville Beach, is in support of the agenda item but did not wish to speak.

Jon McGowan, 5 North 17th Avenue, Unit 401, Jacksonville Beach, stated the Board should not approve the variance as the applicant has applied as a townhouse and not mutlifamily, which is a different section of the Land Development Code.

Rita McAndrews Giblin, 1901 North 1st Street, Jacksonville Beach, expressed her opposition to the application.

Mr. Atkins requested the Board grant the variance and agreed to have the existing structure demolished by July 1, 2017.

Discussion:

Mr. Buck stated by reducing the number of units, setbacks and lot coverage will help the parking situation.

Mr. Moreland remarked that this is the best proposal for use of the property that has been presented.

Amended Motion: It was moved by Ms. Osewalt and seconded by Mr. Moreland, to approve a request for exterior unit side yards of five feet, each in lieu of 10 feet required; for accessory structure setbacks of one foot, in lieu of five feet along side property lines, to allow for construction of a new three-unit townhouse structure,

contingent upon building on the northerly lot (#1888) being demolished by July 1, 2017."

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

NEW BUSINESS:

(A) Case Number: BOA 16-100202

Deferred by applicant to a future meeting.

(B) Case Number: BOA 16-100203

Name of Applicant: Vanessa White

Property Address: 3839 Poinciana Boulevard

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a rear yard setback of 17.5 feet, in lieu of 30 feet required and for 44% lot coverage in lieu of 35% maximum to allow a screen room addition to an existing single-family dwelling.

Applicant: The applicant's agent, James Couturier, 2216 Saye Drive E., Jacksonville, stated the hardship is that based on the present setbacks required, the applicant is unable to have any structure added. The surrounding neighbors have far greater lot coverage and greater proximity to the property line.

Public Hearing:

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

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

(C) Case Number: BOA 16-100204

Name of Applicant: Kevin Smith

Property Address: 4068 Palm Way

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a northerly side yard of nine feet, in lieu of 10 feet required; and for lot coverage of 43%, in lieu of 35% maximum; to allow the development of Lot 2,

Block 13, Ocean Terrace Subdivision, and to ratify nonconformities created on Lot 1, Block 13, Ocean Terrace Subdivision.

Applicant: The applicant's agent, Andrew Bell, 1236 3rd Street South, Jacksonville Beach, stated the applicant would like to be able to separate the lots and is willing to remove the existing screened-in porch and the concrete that connects the driveway to that part of the home.

Mr. Bell confirmed that the lot is being subdivided into two lots. Lot 1 is 55 feet and Lot 2 is 50 feet. The owner purchased the property "as is" and wants to live in the house on Lot 1 and sell Lot 2.

Mr. Mann explained that demolition of existing conditions is required to reach the resulting 43% lot coverage being requested on Lot 1. Lot 2 would be totally vacant with no structures.

Mr. Mann advised adding the condition that the indicated demolition occur before the subdivision of the properties.

Public Hearing:

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

Amended Motion: It was moved by Mr. Moreland and seconded by Ms. Osewalt, to approve a northerly side yard of nine feet, in lieu of 10 feet required; and for lot coverage of 43%, in lieu of 35% maximum; to allow the development of Lot 2, Block 13, Ocean Terrace Subdivision, and to ratify nonconformities created on Lot 1, Block 13, Ocean Terrace Subdivision, contingent upon the demolition of the structures as shown on the application.

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

(D) Case Number: BOA 16-100205

Name of Applicant: JWB Construction Group, LLC

Property Address: 421 South 11th Street

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve side yard setbacks of 7.5 feet, in lieu of 10 feet required; for a rear yard setback of 20 feet, in lieu of 30 feet required; and for lot coverage of 45% in lieu of 35% maximum; to allow construction of a new two-family dwelling.

Applicant: The applicant's agent, Alex Sifakis, 440 7th Avenue South, Jacksonville Beach, stated the hardship for this application is that it is a nonconforming lot of

record. Mr. Sifakis submitted handouts to the Board [on file].

Mr. Moreland stated he had concerns with the safety issue due to the proximity to an elementary school as the number of cars is going to increase.

Ms. Osewalt stated she agreed with Mr. Moreland regarding the safety issue near the elementary school.

Public Hearing:

Augusta B. Ziegler, 414 South 11th Street, Jacksonville Beach, stated his concern is that the street is not a through street and adding this type of dwelling would cause even more congestion. He added that the 12 existing houses are single-family homes and the proposed dwelling is multifamily.

Tony Komarek, 533 11th Avenue South, Jacksonville Beach, submitted photographs and a handout to the Board. [on file] He stated there are issues with the density and size of the structure. He requested the Board deny the request due to the impact on the surrounding community, traffic, schools, safety, and the neighbors.

Kay Odom, 402 South 11th Street, Jacksonville Beach, stated she agreed with Mr. Komarek's comments and opposes the agenda item.

Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, remarked about the already existing traffic situation at the elementary school. She added that the addition of this multifamily dwelling would bring more traffic to the narrow street.

Mr. Sifakis responded that area is zoned for multifamily. He added they are trying to fit more in by building two side by side duplexes.

Discussion:

Mr. Buck stated even though the area is zoned RM-1, he cannot approve building a duplex for that property.

Mr. Reddington stated his main concern is the street is small and only one block.

Mr. Cummings commented that he would like to come to a resolution regarding approval of variances and he cannot support this.

Ms. Osewalt stated this structure would be the only two-story building on the street and it is not consistent with the neighborhood.

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

(E) Case Number: BOA 16-100210

Name of Applicant: Jana Andrews

Property Address: 135 North 17th Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a front yard setback of 6.3 feet in lieu of 20 feet required; for a rear yard setback of 15 feet in lieu of 30 feet required; and for lot coverage of 50% in lieu of 35% maximum, to allow for construction of a new single-family dwelling.

Applicant: The applicant's agent, Bryan Green, 3810 Tropical Terrace, Jacksonville Beach, stated the hardship is the lot is conforming in square footage and width. He stated there was a mathematical error in the first variance request, BOA 16-100183. He reviewed the process by which the applicant will be able to build a single-family home based on square footage. He submitted an aerial photograph to the Board. [on file] He added they are alleviating the parking issue by providing ample parking.

Ms. Osewalt questioned the six-car parking designation in front of the home with 6.5 feet to the property line. Mr. Green explained it is the same footprint as the existing house now.

Public Hearing:

Darla Buck, 136 North 17th Avenue, Jacksonville Beach, is in support of the agenda item but did not wish to speak.

Joe and Judy Lewis, 1020 Girvin Road, Jacksonville, are in support of the agenda item but do not wish to speak.

Lee Buck, 136 North 17th Avenue, Jacksonville Beach, stated there is a two-car garage with room for two additional cars. He commented the house could not be built without the requested setback.

Discussion:

Mr. Buck commended Mr. Green on his presentation for this variance and he has no issue with the setback request.

Ms. Osewalt stated he had concerns regarding the 6.5 feet of parking outside the garage.

Amended Motion: It was moved by Mr. Moreland, and seconded by Mr. Reddington, to approve a request for a front yard setback of 6.3 feet in lieu of 20

feet required; for a rear yard setback of 15 feet in lieu of 30 feet required; and for lot coverage of 49.9% in lieu of 35% maximum, to allow for construction of a new single-family dwelling.

Roll Call Vote: Ayes - Buck, Cummings, Moreland, and Reddington.
Nays – Osewalt.
The motion, as modified, was approved by a 4-1 vote.

It was moved and seconded to nominate Mr. Moreland as Chairperson and Ms. Osewalt as Vice-Chairperson beginning January 1, 2017. The motion passed unanimously.

ADJOURNMENT

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

Submitted by: Catherine Ponson
Assistant City Clerk

Approval: _____
Chairman

Date: 2/21/17