

**Minutes of Board of Adjustment Meeting
held Tuesday, January 3, 2017, 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 John Moreland.

Roll Call

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

Alternates:

Francis Reddington
Chase Sams (*absent*)

Ex-parte Communications

None

Approval of Minutes

None

Correspondence

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

OLD BUSINESS:

(A) Case Number: BOA 16-100197

Name of Applicant: TH&R, LLC

Property Address: 320 South 5th Avenue

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

Applicant: The applicant's agent, John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated the hardship is a nonconforming lot.

Public Hearing:

Mal Washington, 554 Jacksonville Drive, Jacksonville Beach, is in favor of the agenda item, but did not wish to speak.

Mary Cutter, 330 5th Avenue South, Jacksonville Beach, questioned would residential properties be surrounded by commercial properties in this area.

Bill Mann, Planning and Development Director, stated if this application is approved then that would be the case.

Tony Komarek, 533 11th Avenue South, Jacksonville Beach, submitted a handout to the Board. [on file] He requested the Board deny the application due to the traffic and parking situation.

Kay Odom, 402 11th Street South, is opposed to the agenda item, but did not wish to speak.

Mr. Denneen stated the units were designed for two vehicles in the garage and two cars in the driveway so there would not be parking in the right-of way.

Discussion:

Mr. Cummings stated that south of Beach Boulevard and west of 3rd Street is getting more difficult to walk along as cars are parking on the sidewalk.

Ms. Osewalt stated she had concerns with the 45% lot coverage.

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

(B) Case Number: BOA 16-100198

This item was withdrawn from consideration.

(C) Case Number: BOA 16-100199

This item was withdrawn from consideration.

NEW BUSINESS:

(A) Case Number: BOA 16-100206

Name of Applicant: Robert O. and Lorene R. Johnson

Property Address: 115 South 36th Avenue

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Buck, to approve a front yard setback of 20 feet in lieu of 25 feet required; for an easterly side yard of 9.9 feet, in lieu of 10 feet required; and for 47% lot coverage, in lieu of 35% maximum, to allow an addition to an existing single-family dwelling.

Applicant: The applicant, Robert and Lorene Johnson, 115 South 36th Avenue, stated the house was built in 1975. Mr. Johnson wants to construct a fully-equipped handicap accessible bathroom downstairs.

Mr. Mann confirmed it is a nonconforming lot of record. It is under 6,200 square feet and the minimum lot size for RS-1 zoning is 10,000 square feet.

Mr. Buck stated the 11-foot addition is not going to hinder the view as the house already sits back from the other houses on the street.

Public Hearing:

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

Discussion:

Mr. Cummings agreed with Mr. Buck that the addition would not obstruct the neighbors' view and he has no issue with the variance

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

(B) Case Number: BOA 16-100207

Name of Applicant: Jonathan Beckham

Property Address: 3244 Pullian Court

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Buck, to approve 52% lot coverage in lieu of 35% maximum; (43% lot coverage approved via prior variance, BOA 06-100024) to allow a pool and pool deck addition to an existing single-family dwelling.

Applicant: The applicant, Jonathan Beckham, 3244 Pullian Court, stated the lot is undersized. He stated other nearby lots have been approved for larger variances, the drainage will not be an issue and his yard is a certified "Florida-Friendly" yard.

Ms. Osewalt stated that the 43% lot coverage granted to this property compensates for the smaller lot and Mr. Beckham is only asking for lot coverage.

Mr. Mann confirmed that aboveground or inground swimming pools are allowable as detached accessory structures in the rear yard and only have to be five feet from the property line.

Mr. Moreland asked Mr. Beckham what would be the least amount of lot coverage he could manage.

Mr. Beckham stated he applied for 52% but would be willing to negotiate.

Mr. Buck asked if Mr. Beckham had spoken with the neighbors. Mr. Beckham stated both of his neighbors have pools and was not aware of any opposition.

Public Hearing:

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

Discussion:

Mr. Reddington stated he had concerns with the 52% lot coverage.

Amended Motion: It was moved by Mr. Cummings and seconded by Mr. Reddington, to approve 49.9% lot coverage in lieu of 35% maximum; (43% lot coverage approved via prior variance, BOA 06-100024) to allow a pool and pool deck addition to an existing single-family dwelling.

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

(C) Case Number: BOA 16-100208

Name of Applicant: Brian Phillips

Property Address: 335 South 5th Avenue

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Buck, to approve a front yard setback of 14 feet in lieu of 20 feet required; for 7.5 feet side yards, in lieu of 10 feet required; for 50% lot coverage in lieu of 35% maximum; and for accessory structure setback of 2.5 feet, in lieu of five feet required, to allow construction of a new two-family dwelling

Applicant: The applicant, Brian Phillips, 1639 Beach Boulevard, Jacksonville Beach, stated the hardship is the substandard lot. There was a conditional use approval for a duplex to be built on the lot. He stated the lot coverage is being reduced. He stated he did not ask for the 2.5-foot accessory structure setback.

Mr. Mann confirmed the accessory structure setback is the sidewalk and required to be five feet from the property line.

Mr. Moreland questioned the 14-foot front yard setback. Mr. Phillips stated that was flexible and was giving more room in the back.

Mr. Cummings asked about the parking situation.

Mr. Phillips stated that there were 14-foot garages proposed and there would always be parking problems due to the beach.

Public Hearing:

Tony Komarek, 533 11th Avenue South, Jacksonville Beach, pointed out that there were no previous variances granted for this property and it should be used in the way it was originally zoned.

Mr. Mann reminded the audience that the City of Jacksonville Beach requires two parking spaces per dwelling unit and added that the applicant meets that requirement and is not asking for a parking variance.

Discussion:

Mr. Cummings commended the applicant on his presentation and added he still had concerns regarding the parking issue.

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

(D) Case Number: BOA 16-100211

Name of Applicant: Starfish Group Properties

Property Address: 1304 North 4th Street

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Cummings, to approve a request for a rear yard setback of 10 feet in lieu of 30 feet required; for accessory structure (driveways) setbacks of 2.5 feet, in lieu of 5 feet required; to allow construction of a new three-unit townhouse development.

Applicant: The applicant's agent, Andy Cromer, 11628 Aspen Creek Drive, Fort Worth, Texas, submitted a handout to the Board. [on file] Mr. Cromer stated the hardship is that the City's setback requirements create a narrow configuration of the lot. The rear setback variance requested gives the design more depth.

Mr. Cromer stated the previous variance requested that was denied was for four units. It is being presented this time with three units for a better layout and reduce

parking spilling over.

Ms. Osewalt questioned why another two-unit dwelling could not be built like the one existing on the property now. Mr. Cromer stated it would be an odd configuration and the three-unit design is consistent with what is on the block now.

Mr. Cummings stated if the driveway was on 12th Avenue North and a duplex was proposed, a variance would not be needed.

Public Hearing:

Tony Komarek, 533 11th Avenue South, Jacksonville Beach, stated the City of Jacksonville Beach Municipal Code requires a rear yard setback of 30 feet and the applicant is asking for 10 feet. He requested the Board adhere to that Code.

Mr. Cromer commented there is ample parking and they are providing for the demand for living space in Jacksonville Beach.

Discussion:

Ms. Osewalt stated there is already a duplex on the lot and a duplex could be built on the lot with no variances needed.

Mr. Reddington agreed with Ms. Osewalt.

Mr. Cummings commented there is a large commercial district one block south that creates parking on the right-of-way in that neighborhood. He added that the lot is nice in size and the Board should take the density issue into consideration.

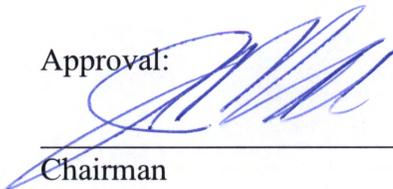
Roll Call Vote: Nays - Reddington, Buck, Cummings, Moreland, and Osewalt.
The motion was denied unanimously.

ADJOURNMENT

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:30 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approval:



Chairman

Date:

2/2/17