

**Minutes of Board of Adjustment Meeting
held Tuesday, April 4, 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 Chairperson John Moreland.

Roll Call

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

Alternates:

Francis Reddington
Chase Sams

Ex-parte Communications

None

Correspondence

Mr. Moreland noted that there were letters that would be read when that agenda item was addressed.

Approval of Minutes

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

- Board of Adjustment meeting held on January 18, 2017
- Board of Adjustment meeting held on February 7, 2017
- Board of Adjustment meeting held on February 21, 2017

NEW BUSINESS:

(A) Case Number: BOA 17-100025

This case was continued indefinitely until the necessary documentation from the Florida Department of Transportation is received by the applicant. Mr. Mann advised the applicant would be responsible for the postage for the revised public hearing.

(B) Case Number: BOA 17-100028

Name of Applicant: Peter and Patricia Gayle Lafser

Property Address: 3507 South 1st Street

Motion to Approve: It was moved by Mr. Buck, and seconded by Mr. Truhlar, to approve a request for side yards of 7.5 feet each, in lieu of ten feet required; for 46% lot coverage, in lieu of 35% maximum; and for a 2.5-foot setback for an accessory structure, in lieu of five feet required; to allow construction of a new single-family dwelling.

Applicant: The applicant, Peter Lafser, 2610 Sims Cove Lane, Jacksonville, stated the hardship is that the lot is nonconforming in width and size and they would like to build a home to suit their needs. The new single-family residence would fit within the same footprint as the current 60-year old structure that will be replaced. He is requesting the variance for the side setbacks.

Public Hearing:

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

Discussion:

Mr. Buck stated that they couldn't do much better than using the same footprint as the current dwelling.

Roll Call Vote: Ayes – Buck, Moreland, Reddington, Sams, and Truhlar.
The motion was approved unanimously.

(C) Case Number: BOA 17-100029

Name of Applicant: Robert A. and Debra L. Brinker

Property Address: 231 North 19th Avenue

Motion to Approve: It was moved by Mr. Buck, and seconded by Mr. Truhlar, to approve a request for a front yard setback of 17.5 feet, in lieu of 20 feet required; for an easterly side yard of 7.5 feet, in lieu of ten feet required; for a rear yard setback of 14.9 feet, in lieu of 30 feet required; for an accessory structure (pool deck) setback of zero feet, in lieu of five feet required; to allow construction of a new dwelling unit and pool, to replace an existing dwelling unit on a multi-family use property.

Applicant: The applicant, Debra L. Brinker, 4853 Registry Walk, Kennesaw, Georgia, stated that there is an existing duplex on the property and another

dwelling. She wants to leave the duplex and demolish the other structure and build there. She stated that variance is needed for the egress to be on North 19th Avenue. Mr. Buck asked if the zero-foot setback request was for the proposed ten-foot by eight-foot dipping pool. Ms. Brinker confirmed this and added it does not include the pool deck. Mr. Truhlar commented that the zero-foot setback request caused him concerns.

Mr. Reddington stated he also had concerns with the zero-foot setback and the pool being on the property line.

Public Hearing:

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

Discussion:

Mr. Buck stated he did not see the need for 17.5 feet between the two structures. If it is pushed back to 15 feet, there would be plenty of room, and there would be ten feet on that side.

Mr. Mann advised that the Board could strike the 7.5-foot easterly side yard and zero-foot rear yard setback requests. He added that the applicant could essentially build the structure, but they would have to respect the side yard setback and the five-foot rear yard setback for the pool and pool deck.

Amended Motion: It was moved by Mr. Buck, and seconded by Mr. Truhlar, to approve a request for a front yard setback of 17.5 feet, in lieu of 20 feet required; and for a rear yard setback of 14.9 feet, in lieu of 30 feet required; to allow construction of a new dwelling unit and pool, replacing an existing dwelling unit on a multi-family use property.

Roll Call Vote: Ayes – Moreland, Reddington, Sams, Truhlar, and Buck.
The amended motion was approved unanimously.

(D) Case Number: BOA 17-100030

Name of Applicant: William Moneyhun

Property Address: 132 South 2nd Avenue

Motion to Approve: It was moved by Mr. Buck, and seconded by Mr. Truhlar, to approve a request for a front yard setback of zero feet in lieu of 20 feet required, to ratify an existing nonconforming deck of an existing structure.

Applicant: The applicant's representative, Lloyd S. Hendry, 7262 Coligny Road, Jacksonville, stated the applicant had a removable deck on the front of the home

that was not secured to the ground.

Mr. Mann reported that during the initial field work for a City infrastructure project, the owner was notified that a variance was needed for the existing deck that the applicant had recently rebuilt as it crossed the front property line. The previous deck was being slowly rebuilt by the owner and validation is needed for reconstruction of the nonconforming deck.

If this agenda item is approved, a right-of-way permit would also be needed from the Public Works Department for the portion of the deck located on the right-of-way.

Public Hearing:

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

The applicant submitted a letter explaining his absence from the meeting.

Discussion:

Mr. Mann explained the applicant stressed the removability component for the benefit of Public Works should the applicant need to obtain the right-of-way permit from that department.

Mr. Moreland stated he walks by this property and the deck is partitioned off by shrubbery. He added that the Board does ratify nonconforming aspects of properties. Mr. Truhlar agreed as long as the motion includes no additions.

Amended Motion: It was moved by Mr. Truhlar, and seconded by Mr. Reddington, to approve a request for a front yard setback of zero feet in lieu of 20 feet required, to ratify an existing nonconforming deck of an existing structure, limited to as presented and shown.

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

(E) Case Number: BOA 17-100031

Name of Applicant: New Atlantic Builders, Inc

Property Address: 687 South 12th Avenue

Motion to Approve: It was moved by Mr. Buck, and seconded by Mr. Truhlar, to approve a request for lot coverage of 44.5% in lieu of 35% maximum, to allow a swimming pool and deck addition to a single-family dwelling

Applicant: The applicant's agent, Stephen B. Williams, 3731 Duval Drive, Jacksonville Beach, stated the lot in question is zoned RS-3 and is required to have 60 feet of building width, and the proposed structure is only 50 feet.

Mr. Williams added that a previous variance was granted (BOA#16-100165) for 39.8% lot coverage and the same regulations would apply in this case. He stated the deck around the pool was minimized, and a ribbon driveway will be used.

Mr. Reddington asked about the size of the pool. Mr. Williams answered that it is 20 feet wide and 30 feet long. He then brought to the Board's attention three previous cases (BOA 13-100039, 14-100204, and 14-100208) where conforming lots were granted variances.

Public Hearing:

Robert Bartlett, 634 11th Avenue South, Jacksonville Beach, is opposed to the application and was unable to attend the meeting.

Mr. Moreland read an email received from Theresa Bartlett, 634 11th Avenue South, Jacksonville Beach, stating her opposition to the application.

Catherine Joura, 632 11th Avenue South, Jacksonville Beach, stated she lives within 300 feet of the property in question. She added her concerns are the lack of percolation and the risk of flooding. She stated the proposed pool area is more than half of the length of the house. She added this seems excessive. She requested that the Board deny request.

Mary Joura, 636 11th Avenue South, Jacksonville Beach, stated that her house is directly behind the property. She commented she is against the variance and added there was not enough room for the pool.

Mr. Williams responded that the decking for the pool is what is in question. He understands their concerns, and this is a minimal deck request. He added that the requirements for drainage are such that this is not an issue.

Discussion:

Mr. Reddington stated that if the pool were smaller, the lot coverage would be smaller.

Mr. Buck stated the applicant is asking for the minimal amount on the length and width of the pool.

Mr. Moreland added that he has concerns that the lot coverage issue would be a hardship if it was an undersized lot, but it is a minimal decking request.

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

Planning Directors Report

Mr. Moreland stated the next meeting would be April 18 and there will be a workshop after the May 2 meeting.

Adjournment

There being no further business coming before the Board, the meeting adjourned at 8:00 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approval



Chairman

Date:

5/16/2017