

**Minutes of Board of Adjustment Meeting  
held Tuesday, May 2, 2017, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman John Moreland.

**Roll Call**

Thomas Buck  
Jeff Truhlar  
John Moreland (Chairperson)  
Sylvia Osewalt (Vice Chairperson)  
Scott Cummings

Alternates:

Francis Reddington  
Chase Sams (*absent*)

**Ex-parte Communications**

None

**Approval of Minutes**

None

**Correspondence**

None

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100047**

**Name of Applicant:** Carol Lynn Barrs

**Property Address:** 173 South 20<sup>th</sup> Avenue

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Cummings, to approve a request for a corner side yard of 2.2 feet in lieu of 12 feet required, to allow a second story deck addition to a unit in a four-unit condominium building.

**Applicant:** The agent for the applicant, William Towers, 1541 Ingleside Avenue, Jacksonville, stated that they were asking for some outdoor living space for the

condo owner. He added that the setback does not allow for an extension outside of the building envelope.

Ms. Osewalt asked which side yard that they were looking at. Mr. Towers stated that there were four addresses there at this townhouse. Ms. Osewalt stated that the application was for a condo. Ms. Osewalt noted that there was already a variance requested for an eight-foot side yard in lieu of a ten-yard side yard. Mr. Towers stated that was for a different yard.

Mike Farnsworth, 1808 Stanford Road North, Jacksonville, stated that he represented the client. Ms. Osewalt noted that Atlantic Builders was the agent for the applicant that could speak for them.

**Public Hearing:**

Zach Miller, 202 19<sup>th</sup> Avenue South, Jacksonville Beach, stated that the applicant has to meet six factors to get a variance, and they haven't met any. He noted the factors and explained how this proposal did not meet them. He noted that they had reasonable use of the property without the variance.

Mr. Buck asked Mr. Miller about the location of his property. Mr. Miller responded that he was across the street on 2<sup>nd</sup> Street.

Mike Farnsworth, 1808 Stanford Road North, Jacksonville, explained the location of the proposed deck. He stated that they would be willing to put a six-foot screen on that side for privacy. Mr. Reddington asked if there was a condo association. Mr. Farnsworth stated no. Ms. Osewalt asked to explain the hardship. Mr. Farnsworth stated they have no outdoor space.

Mr. Towers stated that it was not common for a house to be right on the setback line prohibiting any expansion. He noted that the 35-foot setback is a large one, so even gaining some back leaves a pretty large setback here.

Mr. Cummings stated the plans were good, but he didn't see any hardship here. Mr. Towers stated that the required setback was the hardship. Ms. Osewalt asked for clarification of the request and the request approved in 1995. Mr. Towers explained the 1995 variance. Mr. Mann stated that the 1995 variance was for the side yard to allow for construction of the dwelling.

**Discussion:**

Ms. Osewalt stated that she has not heard anything that would constitute a hardship.

Mr. Cummings stated that it would be a precedent as well and he did not see a hardship.

Mr. Moreland agreed that it would look nice but there just was not a hardship.

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

By unanimous motion, the Board adjourned for the training session.

**(B) Board Member Training**

Mr. Mann explained the reason for the training, noting that some of the Board members are new. Mr. Mann noted that it was important for the Board and all participants to always speak into the microphone to get a record of the meeting. He then introduced Ms. Susan Erdelyi, City Attorney, to review the material.

Ms. Erdelyi reviewed the outline that she provided, addressing City of Jacksonville Beach Variance Procedures, Appeals, Land Development Code authority applicable to the Board of Adjustment, and Board of Adjustment decisions.

**Planning Directors Report**

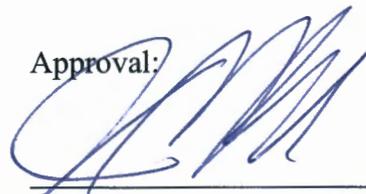
Mr. Mann stated that there are eight cases for the May 16, 2017, meeting.

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:57 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:

  
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Chairman

Date:

6/6/17