

**Minutes of Board of Adjustment Meeting  
held Tuesday, May 16, 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 Chairperson John Moreland.

**Roll Call**

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

Alternates:

Francis Reddington  
Chase Sams

**Ex-Parte Communications**

None

**Approval of Minutes**

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

- Board of Adjustment meeting held on April 4, 2017

**Correspondence**

None

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100048**

**Name of Applicant:** Jennie and Albert Dean

**Property Address:** 914 South 15<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for an easterly side yard of 6.9 feet, in lieu of 8.2 feet required; for side yards totaling 13.7 feet in lieu of 15 feet required; and for lot

coverage of 42% in lieu of 35% maximum, to allow an addition to an existing single-family dwelling.

**Applicant:** The agent for the applicant, Willard Dean, 3512 Cesery Boulevard, Jacksonville, noted that they wanted to extend on the house for a wheelchair-accessible bathroom.

Mr. Moreland stated that the physical hardship on the residents was not a reason, but the hardship would be that the lot itself was substandard.

**Public Hearing:**

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

**Discussion:**

Ms. Osewalt asked about the requested side yard request. Mr. Mann noted that there is the requirement for side yards to total 15 feet.

Mr. Moreland asked about the new format. Mr. Mann noted that it is at the discretion of the Board if they need to ask the applicant or staff a question.

**Motion:** It was moved by Mr. Reddington and seconded by Mr. Cummings to approve the request of the applicant, as written.

**Roll call vote:** Ayes – Buck, Cummings, Moreland, Osewalt, and Reddington.  
The motion was approved unanimously.

**(B) Case Number: BOA 17-100049**

**Name of Applicant:** Richard Thompson

**Property Address:** 1250 Jacksonville Drive

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a northerly side yard of nine feet, in lieu of ten feet required; and for 44% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Applicant:** The applicant, Richard Thompson, 408 15<sup>th</sup> Avenue South, Jacksonville Beach, noted that the lots are non-conforming and the request is to build new custom homes on all four lots. This lot is the corner lot. Mr. Mann noted that the same exhibit was used for all four applications. Mr. Moreland noted that this lot was different than the other three, which are identical.

Mr. Thompson noted that the house existing on the site will be torn down. Mr.

Reddington asked on which two lots the house was located. Mr. Thompson noted that the house was on lots 14 and 15. He noted that the request was to allow for an additional foot of buffer on Jacksonville Drive.

Ms. Osewalt asked if 44% lot coverage was the least that could be given. Mr. Thompson noted that there has been 45% lot coverage variances granted in the past.

**Public Hearing:**

Justin Threet, 3970 Palm Way, Jacksonville Beach, expressed his concern about the impacts of the houses on the large oak trees on the properties.

Mr. Moreland noted that Ian Hawkins, 3878 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Miguel Malespin, 3900 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Dana Moser, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Nathan Fabrick, 3886 Grande Boulevard, Jacksonville Beach, stated that he was not opposed to residential development, but was concerned that the block would be damaged if the units were put together closer than allowed. He thought the request for a nine-foot setback was reasonable. Mr. Fabrick also noted that there were concerns with drainage.

Mr. Moreland noted that Adam Feber, 3916 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that G. Bahn, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Thompson noted the reason he was asking for different spacing and then stated that he would be satisfied with a ten-foot setback for this item. He stated that the intent was to create openness for each of the homes.

Ms. Osewalt asked if he could reduce the lot coverage. Mr. Thompson stated that the least he could get by with was 42.6% lot coverage. In response to Mr. Cummings, Mr. Thompson stated that he could make the houses shorter than what was proposed.

Mr. Thompson stated that he was going to try to preserve trees as best he could. Mr. Mann noted that the applicant would have to meet the tree standards. Mr. Mann also stated that drainage will be addressed through Public Works.

**Discussion:**

Mr. Buck stated that the lots were considerably smaller than a regular RS-1 lot. He noted that there were no setback variances requested for the front and back yards. He added that he would like the applicant to respect the required ten-foot side setbacks.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Buck, to approve BOA 17-100049, to allow for 42.6% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Roll call vote:** Ayes – Cummings, Moreland, Osewalt, and Buck.  
Nays – Reddington.  
The motion was approved 4-1.

Mr. Moreland asked if we could consider the next three as a group. Mr. Mann explained that the requests were different so they had to be considered individually.

**(C) Case Number: BOA 17-100050**

**Name of Applicant:** Richard Thompson

**Property Address:** 1250 Jacksonville Drive

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a northerly side yard of five feet, in lieu of ten feet required; and for 47% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Applicant:** The applicant, Richard Thompson, 408 15<sup>th</sup> Avenue South, Jacksonville Beach, stated that the lot was non-conforming for RS-1. He added that driveways go into the calculation of percentage of lot coverage. He set he wanted the setbacks to so there would be more expanse from the driveway to the unit next door.

Mr. Buck showed 45.82% lot coverage, and asked Mr. Thompson if he could live with 45.8%. Mr. Thompson stated he could live with 45%. Ms. Osewalt asked if he could live with 7.5-foot side yard setbacks. Mr. Thompson said he could.

**Public Hearing:**

Mr. Moreland noted that G. Bahn, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Adam Feber, 3916 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Nathan Fabrich, 3886 Grande Boulevard, Jacksonville Beach, stated that if there were a concession to be made, maybe keep the setback requirements for the second floor of the home. Mr. Buck asked where he lived in relation to these lots. Mr. Fabrich stated that they were across the street.

Mr. Moreland noted that Dana Moser, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Miguel Molespin, 3900 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Ian Hawkins, 3878 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Justin Threet, 3970 Palm Way, Jacksonville Beach, expressed his concern about the impacts of the houses on the large oak trees on the properties. Mr. Buck asked if the oak trees were close to his property line. Mr. Threet stated about 15 feet. Mr. Mann noted that there is an undeveloped 12-foot public alley between the properties.

Mr. Thompson responded that they would try to preserve as many oak trees as possible.

Mr. Mann asked about structural problems with offsetting the second floor. Mr. Thompson stated it would be expensive and the Code might not allow it.

**Discussion:**

Mr. Reddington stated that he had a problem with the lot coverage. Mr. Buck noted that the lot was not at 10,000 square feet that would be a standard-sized lot in RS-1.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Cummings, to approve BOA 17-100050 to allow for a northerly and southerly side yards of 7.5 feet in lieu of ten feet required and for 45% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Roll call vote:** Ayes – Osewalt, Buck, Cummings, and Moreland.

Nays – Reddington.

The motion to approve the application, as modified, was approved 4-1.

**(D) Case Number: BOA 17-100051**

**Name of Applicant:** Richard Thompson

**Property Address:** 1250 Jacksonville Drive

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a southerly side yard of five feet, in lieu of ten feet required; and for 47% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Applicant:** The applicant, Richard Thompson, 408 15<sup>th</sup> Avenue South, Jacksonville Beach, stated that the lot was non-conforming for RS-1. He stated that he was willing to agree to 45% lot coverage and 7.5 feet side yard setbacks.

**Public Hearing:**

Mr. Moreland noted that G. Bahn, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Adam Feber, 3916 Grande Boulevard, Jacksonville Beach, stated that his opposition is not the lot coverage but was the side yard variances. He thought that these units would look like townhomes with the setbacks requested.

Nathan Fabrich, 3886 Grande Boulevard, Jacksonville Beach, stated his opposition but did not wish to add anything to what had been said.

Mr. Moreland noted that Dana Moser, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Miguel Molespin, 3900 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Ian Hawkins, 3878 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Justin Threet, 3970 Palm Way, Jacksonville Beach, stated his opposition but didn't have anything to add.

Matt Fennell, 3997 American Avenue, Jacksonville Beach, asked if a tree survey had been done on the properties. He stated that the side yard setbacks should be approve considering the location of the trees. Mr. Mann stated that these setbacks shouldn't affect whether the trees are affected.

**Discussion:**

Mr. Reddington stated that he still had a problem with the lot coverage.

**Motion:** It was moved by Mr. Cummings, and seconded by Mr. Buck, to approve BOA 17-100051 to allow for a northerly and southerly side yards of 7.5 feet in lieu of ten feet required and for 45% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Roll call vote:** Ayes – Buck, Cummings, Moreland, and Osewalt.  
Nays – Reddington.

The motion to approve the application as modified was approved 4-1.

**(E) Case Number:** BOA 17-100052  
**Name of Applicant:** Richard Thompson

**Property Address:** 1250 Jacksonville Drive

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a northerly side yard of five feet, in lieu of ten feet required; and for 47% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Applicant:** The applicant, Mr. Richard Thompson, 408 15<sup>th</sup> Avenue South, Jacksonville Beach, stated that the lot was non-conforming for RS-1. Mr. Thompson amended his request to 45% lot coverage and for 7.5-foot side yard setbacks.

Mr. Buck asked how this lot affected Lot 18. He stated that he would be concerned with 7.5 feet setback on that side.

**Public Hearing:**

Mr. Moreland noted that G. Bahn, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Adam Feber, 3916 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Nathan Fabrich, 3886 Grande Boulevard, Jacksonville Beach, stated he nothing more to add.

Mr. Moreland noted that Dana Moser, 3877 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Miguel Molespin, 3900 Grande Boulevard, Jacksonville Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Ian Hawkins, 3878 Grande Boulevard, Jacksonville

Beach, did not wish to address the Board but was opposed to the request.

Mr. Moreland noted that Matt Fennell, 3997 American Avenue, Jacksonville Beach., did not wish to address the Board but was opposed to the request.

Justin Threet, 3970 Palm Way, Jacksonville Beach, stated that he had nothing new to add.

**Discussion:**

Ms. Osewalt noted that the one neighbor impacted by the setback didn't wish to speak.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Cummings, to approve BOA 17-100052 to allow for a northerly and southerly side yards of 7.5 feet in lieu of ten feet required and for 45% lot coverage lieu of 35% maximum, to allow construction of a new single-family dwelling.

**Roll call vote:** Ayes – Buck, Cummings, Moreland, and Osewalt.

Nays – Reddington.

The motion to approve the application as modified was approved 4-1.

**(F) Case Number: BOA 17-100053**

**Name of Applicant:** Kristin Scheurer

**Property Address:** 1330 North 2<sup>nd</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for 37% lot coverage lieu of 35% maximum, to allow for a pool and deck addition to a proposed single-family dwelling.

**Applicant:** The applicant, Timothy Millard, 230 15<sup>th</sup> Street South, Jacksonville Beach, stated that the lot was substandard for RS-1 zoning. He stated that the house was a little under 35% lot coverage. He stated that if the lot was conforming it would be at 24% lot coverage.

**Public Hearing:**

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

**Discussion:**

Ms. Osewalt stated that 37% seemed reasonable. Mr. Reddington stated he had no

problem with it.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Reddington, to approve BOA 17-100053, as published.

**Roll call vote:** Ayes – Cummings, Moreland, Osewalt, Reddington, and Buck.  
The motion to approve the application was approved unanimously.

**(G) Case Number: BOA 17-100054**

**Name of Applicant:** Nicholas Altenburger

**Property Address:** 402 North 9<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a front yard of 4.4 feet, in lieu of 20 feet required; and for 68% lot coverage lieu of 65% maximum; to allow for a deck addition to an existing townhouse dwelling unit.

**Applicant:** The applicant, Nicolas Altenburger, 402 9<sup>th</sup> Avenue North, Jacksonville Beach, stated that have a 2<sup>nd</sup> story deck now, and they would like to connect the existing side deck to a new deck in the front of the home. He stated that there was extensive City right-of-way in front of the lot that allowed for much space at the property. He stated that the front walkway exists where more than half the deck would cover.

Mr. Reddington asked if they had spoken to the neighbors. Mr. Altenburger stated he had and there were no objections.

**Public Hearing:**

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

**Discussion:**

Ms. Osewalt noted that there were six requirements that should be met to meet a variance. She stated that there was already a reasonable use of the structure. Mr. Moreland stated that he thought there was a hardship because they can't make use of the second story doorways in the front. Ms. Osewalt stated that there were two other units that did not have that type of deck.

**Motion:** It was moved by Ms. Osewalt, and seconded by Mr. Cummings, to deny BOA 17-100054 as published because there is already reasonable use of the property.

Mr. Buck noted that a positive vote is to deny the proposed application.

**Roll call vote:** Ayes - Cummings, Moreland, and Osewalt.  
Nays – Reddington and Buck.  
The motion to deny the application was approved 3-2.

**Planning Directors Report**

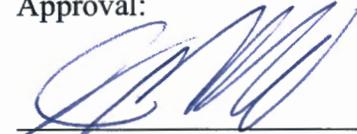
Mr. Mann stated that there are six cases for the June 6, 2017, meeting. He also noted that there is also a Planning Director interpretation pending. Discussion followed on how the last case could be heard at a later date, with Mr. Mann explaining how this would occur.

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:27 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:

  
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Chairman

Date: 6/6/17