

**Minutes of Board of Adjustment Meeting  
held Tuesday, July 5, 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 Moreland.

**Roll Call**

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

**Alternates:**

Francis Reddington *absent*  
Chase Sams *absent*

**Ex-parte Communications**

Mr. Moreland stated that he had a voice mail from Ms. Christian in support of the first case and talked to the applicant.

**Approval of Minutes**

There were none.

**Correspondence**

There was none.

**OLD BUSINESS:**

**(A) Case Number: BOA 17-100090**

**Name of Applicant:** Nancy Soderberg

**Property Address:** 3714 Duval Drive

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of 52.6% lot coverage in lieu of 35% maximum; and for accessory structure setback of 1 foot in lieu of 5 feet required; to allow for paving additions to the rear yard of an existing dwelling unit.

**Applicant:** The applicant, Ms. Nancy Soderberg, 3714 Duval Drive, stated that the lot is substandard size of 8400 square feet. She stated that the contractor laid some pavers on the property that contributed to the excess lot coverage. She stated that they are asking for an increase from 44%. She added that the pavers would be hidden by a hedge, and drainage improvements will help address drainage impacts. She added that the neighbors were in

favor of the request.

Mr. Cummings noted that the lot seemed to be over 10,000 square feet and the lot was conforming. Mr. Buck asked if everything was there when they purchased the lot. Ms. Soderberg stated that what they were looking at was what was current.

The contractor for the applicant, Mr. Kevin Apple, 5160 Big Forest Lane, Jacksonville, stated that Ms. Soderberg has more than what is noted on the front yard that does not show on the survey. Ms. Osewalt stated that is public right-of-way and is not included. Mr. Mann noted that Jacksonville Beach differs from the Code of Atlantic Beach, which includes public right-of-way as part of the setback.

Mr. Moreland asked what the least amount of request would be acceptable. Ms. Soderberg stated that she would have to alter the pavers in the front yard to reduce it. She stated that they may be able to work with 47% lot coverage. Ms. Osewalt reminded everyone that they must determine if the denial prevents reasonable use of the property. Ms. Soderberg stated that she thought this was an optimum improvement to the property.

**Public Hearing:**

Mr. John Bordelon, 3804 Duval Drive, stated that the project was done without a building permit, and he notified the City. He thought that the applicant was in violation of overbuilding the property and she needed a variance that she hadn't received, and there was no hardship. He stated that there would be a bad precedence if they granted this after it was already done.

Mr. William Hillegas, 3739 Duval Drive, stated that he agreed with Mr. Bordelon. He wondered if the Board would have approved this if it had come before the Board before it was constructed. He expressed his opposition to the amount of coverage.

Mr. Richard Bush, 3705 Duval Drive, stated that the backyard and drainage were better than what was there before. He added that there would be a hardship if the applicant was forced to tear up the driveway.

Mr. Apple stated that it was his mistake that he didn't realize that there was a permit needed for non-structural construction.

**Discussion:**

Ms. Osewalt stated that the lot was conforming with 44% lot coverage already approved and no apparent hardship.

Ms. Osewalt moved to deny the application because it is a conforming lot and there is no hardship. There was no second of that motion.

Mr. Cummings stated that he did not have an issue with the pavers. Mr. Buck stated that he understood what Ms. Osewalt's intent was, but stated that he could live with the 3% increase.

**Motion to Approve:** Mr. Buck moved to approve the application with 47% lot coverage rather than 52%, and including the 1-foot setback. Mr. Cummings seconded that motion.

**Roll Call Vote:** Ayes – Buck, Moreland, Truhlar, and Cummings. Nays - Osewalt. Motion approved 4-1.

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100091**

**Name of Applicant:** Bobby Rose

**Property Address:** 131 North 10<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for 53.1% lot coverage lieu of 35% maximum, to allow for an accessory building addition to an existing legal nonconforming single family dwelling.

**Applicant:** The agent for the applicant, Richard Moore, 6060 Chester Circle, Jacksonville, stated he was with Direct Movement Group. He stated that Mr. Rose needed more storage space. Mr. Moreland asked if this would be a business. Mr. Buck asked if they had talked to their neighbors. Mr. Moore described the bordering parcels.

Mr. Bobby Rose, 131 North 10<sup>th</sup> Avenue, was also barely audible. He stated that he needed room for a workroom. Mr. Buck stated that typically they do not approve greater than 50% lot coverage.

Mr. Mann noted that the lot size was over 5,400 square feet. This is an accessory structure, but they must treat this as a 6,000 square foot lot requirement. The applicant once again spoke something unintelligible into the mic.

**Public Hearing:**

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

**Discussion:**

Ms. Osewalt noted that the lot was non-conforming. Mr. Truhlar stated that he would be comfortable with something less than 50% lot coverage.

**Motion to Approve:** It was moved by Mr. Truhlar to approve 47.5% lot coverage rather than the amount requested in the application, as discussed and presented. The motion was seconded by Mr. Cummings.

**Roll Call Vote:** Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to approve the application as amended was approved unanimously.

**(B) Case Number: BOA 17-100092**

**Name of Applicant:** Nathan Hayes

**Property Address:** 2001 Waterway Island Lane

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a rear yard setback of 25 feet in lieu of 30 feet required; for 46% lot coverage in lieu of 35% maximum; to allow construction of a single-family dwelling.

**Applicant:** The applicant, Mr. Nathan Hayes, address unintelligible, provided additional information to the Board. He reviewed the site plan, noting that the parcel was irregularly shaped which created the hardship. He stated that they needed additional paver area to allow the car to get out of the garage. He provided letters from the neighbors stating that they had no objection to the variance, as well as other variances in the area that were approved.

**Public Hearing:**

Mr. Tony Davenport, 55 Tallwood Road, expressed his opposition to the request. He questions whether there was a hardship, stating that building a bigger house on the parcel is not a hardship. He noted that this lot was platted as an irregular lot and the buyer should have been aware.

**Discussion:**

Mr. Cummings noted that the lot is a conforming lot based on size. Mr. Buck noted that they had approved some houses in this area for over 35% lot coverage, but thought that this request was excessive and the percentage needed to be reduced. Ms. Osewalt stated that she agreed with Mr. Davenport that this request was not reasonable.

Mr. Cummings asked Mr. Mann if there was a hardship for someone with an irregularly shaped lot. Mr. Mann responded only if it doesn't meet minimum lot width at the building line. He stated that this property was conforming.

**Motion:** It was moved by Ms. Osewalt to deny the request because it was not the minimum relief necessary to allow reasonable use of the property. The motion was seconded by Mr. Cummings.

**Roll Call Vote:** Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to deny the application was approved unanimously.

**(C) Case Number: BOA 17-100094**

**Name of Applicant:** Ricky and Erika Alley

**Property Address:** 459 South 34<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for 49% lot coverage in lieu of 35% maximum, and for an accessory structure setback of 4 feet in lieu of 5 feet required, to allow a pool and deck addition to an existing single-family home.

**Applicant:** The applicant, Mr. Ricky Alley, 459 34<sup>th</sup> Avenue South, stated that they were trying to minimize the area of the pavers but wanted this deck addition. He stated that none of the neighbors are opposed. Mr. Mann stated that the setback is for the back of the pool deck.

Ms. Osewalt asked what they were asking for. Mr. Alley stated they were asking for 47.6%, but Mr. Mann stated that they were asking for 49%. Mr. Alley stated that they were previously approved for side yard setbacks and 45% lot coverage. Mr. Moreland asked if the previously approved variance to 45% has addressed the substandard size of the lot. Mr. Alley stated that other neighbors had received more than 45%.

**Public Hearing:**

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

**Discussion:**

Mr. Cummings stated that the lot was 6660 square feet. Ms. Osewalt stated that the previous variance should have addressed the issue.

**Motion to Approve:** It was moved by Ms. Osewalt that the application be approved only for an accessory structure setback for four feet in lieu of five feet required, with no increase in lot coverage. The motion was seconded by Mr. Buck.

**Roll Call Vote:** Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to approve the request as modified was approved unanimously

**(D) Case Number: BOA 17-100095**

**Name of Applicant:** John and Michelle Tipton

**Property Address:** 2333 Azalea Drive

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a side yard setback of five feet in lieu of 10 feet required to allow construction of a single-family dwelling.

**Applicant:** The applicant, John Tipton, 2333 Azalea Drive, stated that their home was a total loss from Matthew. He stated that it is too expensive to repair so they would like to rebuild but build up to avoid tropical weather destruction happening again. He stated that they don't want to build a two-story house to block their neighbors' view. He stated that they wanted to build a detached garage.

Mr. Mann asked if there was an existing garage and did this replicate the existing condition that isn't shown on the survey.

Mr. Tipton stated that they are going to use the same footprint as the existing house. He stated that they are doing a three-foot stem wall to raise the elevation.

Ms. Michelle Tipton, 2333 Azalea Drive, provided the Board with letters from the neighbors that were in support of the proposal. She read the names and addresses into the

record. She said that she had spoken to the neighbors and noted that they did not want to block the view with two-story houses or a different location of the garage.

**Public Hearing:**

Mr. Francis Floyd, 910 24<sup>th</sup> Street North, stated that he appreciated the view from his second floor, and supported this variance.

Ms. Pat Fisher, 2300 Azalea Drive, stated that she had letters from neighbors that opposed this proposal. She stated that the proposal to build five feet from the property line is too close. She read into the record the names and addresses of people who opposed the proposed variance.

Mr. Bruce Floyd, 1003 North 24<sup>th</sup> Street, stated that his view to the marsh was across the Tipton property and would support their proposal to stick to a one-story home. He added that he is familiar with drainage and this should not be an issue for this proposal.

Mr. Dave Lemaire, 910 23<sup>rd</sup> Street, North, expressed support for the proposed variance. He stated that a two-story house would obstruct his view.

Ms. Tipton stated that they had received some neighbor's support who do not want two stories. She added that the garage would border the garage of the neighbor to the west, not their living area.

**Discussion:**

Mr. Truhlar asked Mr. Mann what a standard garage would be. Mr. Mann stated that a two-car garage typically had a 20-foot width and the depth varied.

Mr. Buck noted that the garage would go over the footprint of the existing garage which is already five feet from the property line. He did not think the five feet setback would cause a problem.

**Motion to Approve:** It was moved by Ms. Osewalt that the application be approved as proposed, limited to as discussed and presented. The motion was seconded by Mr. Cummings.

**Roll Call Vote:** Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to approve the request as modified was approved unanimously.

**(E) Case Number: BOA 17-100096**

**Name of Applicant:** Ken Atlee

**Property Address:** 480 South 9<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a corner side yard setback of 7.5 feet in lieu of 10 feet required and side yards totaling 12.5 feet in lieu of 15 feet required; for a rear yard setback of 15 feet in lieu of 30 feet required; and for 55% lot coverage in lieu of 35% required to all construction of a single-family dwelling.

**Applicant:** The applicant, Mr. Tim Townsend, 428 Hopkins Street, Neptune Beach, stated that the property was not marketable. He stated that Mr. Atlee approached him about this parcel and needed the variances requested to build on that lot.

Mr. Cummings asked if they could go down from 55% lot coverage. Mr. Townsend responded he could go down to 48%.

Mr. Buck asked if he could live with a smaller request for a backyard setback. Mr. Mann noted to the applicant that he could also withdraw the application, and if he did, there is no minimum time frame in which to re-apply, whereas if the application is denied he has to wait a year to re-apply for the same variances.

Mr. Townsend then withdrew the application.

**(F) Case Number: BOA 17-100097**

**Name of Applicant:** Kendra Kirkland

**Property Address:** 840 South 2<sup>nd</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a front yard setback of 15 feet in lieu of 20 feet required; for side yards of 7.5 feet each, in lieu of 10 feet required; for a rear yard setback of 9 feet, in lieu of 30 feet required; for 50% lot coverage in lieu of 30 feet required; to allow construction of a two-family dwelling.

**Applicant:** The agent for the applicant, Mr. Randy Rice, 91687 Gateway Blvd., Amelia Island, stated that the lot is substandard and is zoned for a two-family dwelling. He stated that he would be willing to modify the request in response to what he heard tonight. Mr. Moreland asked if the front yard requested would be similar to others along the street.

A woman addressed this issue but did not elect to go to the microphone until well into her discussion, and her name was not audible. Once audible, she noted that they may be blocking the view of the lot next door. Ms. Osewalt noted that they would be 21 feet closer to their neighbor to the back than required. Mr. Rice noted that if they followed the requirements, they would only have a 10-foot deep house.

**Public Hearing:**

Mr. Moreland noted the nine people who had completed cards who were opposed to the request but did not wish to address the Board.

Mr. Tony Komarek, 533 11<sup>th</sup> Avenue South, stated that there is no hardship. The builder purchased a substandard lot knowing the requirements of the setbacks. Mr. Komarek stated that they could build a smaller building unit than what they wanted. He noted that this is not the least request that would allow development on this lot.

Mr. Sam Thomas, 2249 South Beach Parkway, stated that the members of the church across the street opposed this proposal. He stated that the applicant knew it was substandard when purchased. He added that there was a problem with parking at the church and this would make it worse.

Ms. Shandy Thompson, 522 3<sup>rd</sup> Avenue South, stated that there is a parking issue in this area. She stated that the proposed development is not consistent with the surrounding units. She stated that they could easily build a single-family unit there.

The woman noted that they had an option on the property but did not take a gamble because they haven't made the purchase yet. She noted that there are other units in the area the same size as the one requested. She added that by building on this land, they would take land that isn't meant for public parking.

Mr. Rice added that this property is not the solution to the parking issue. He noted there would be adequate parking for people living on this parcel. He added this parcel is a lot of record that is unbuildable without this request.

**Discussion:**

Ms. Osewalt noted that while the lot was substandard, she did not think that a three-story duplex was the only thing that should be allowed on this lot.

Mr. Buck noted that they have denied several lots in the area similar to this where single-family units were built. He stated that he could not support a duplex on this lot.

**Motion:** It was moved by Mr. Buck that the application be denied finding that the variances were not the minimum necessary to allow reasonable use of the property. The motion was seconded by Mr. Cummings.

**Roll Call Vote:** Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to deny the request was approved unanimously

**(G) Case Number: BOA 17-100098**

**Name of Applicant:** Greg Barnett

**Property Address:** 634 South 15<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of 42% lot coverage in lieu of 35% maximum to allow construction of a new single-family dwelling with pool.

**Applicant:** The applicant's partner, Mr. Ryan Pallo, 3010 3<sup>rd</sup> Street South, stated that the lot was non-conforming, being a 6,250 square-foot lot where 7,500 square feet is the minimum.

Mr. Buck asked if there was any opposition from the neighbors. Mr. Pollo said there was none.

Mr. Mann noted that they would have to shift the house five feet to allow the corner side yard to be 10 feet.

**Public Hearing:**

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

**Discussion:**

Mr. Buck noted that if the lot were conforming the lot coverage would be 35%

**Motion to Approve:** It was moved by Mr. Cummings that the application be approved as proposed. The motion was seconded by Mr. Truhlar.

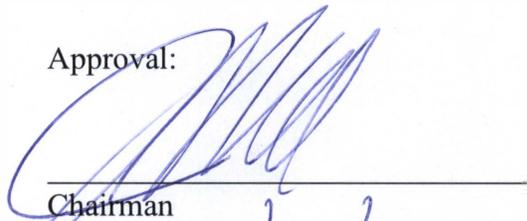
**Roll Call Vote:** Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to approve the request was approved unanimously

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 9:05 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:



Chairman

Date:

8/15/2017