



**Minutes of Board of Adjustment Meeting
held Wednesday, August 15, 2017, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida 32250**

CALL TO ORDER

Chairman John Moreland called the meeting to order at 7:00 P.M.

ROLL CALL

Chairman: John Moreland
Vice-Chairwoman: Sylvia Osewalt
Board Members: Thomas Buck Scott Cummings Jeff Truhlar
Alternates: Francis Reddington (*absent*) Chase Sams

EX-PARTE COMMUNICATIONS

Mr. Moreland and Mr. Buck reported they received ex-parte communications. However, the cases they were referring to, were no longer on the agenda.

APPROVAL OF MINUTES

It was moved by Ms. Osewalt, seconded by Mr. Buck, and passed unanimously, to approve the minutes from July 5, 2017.

CORRESPONDENCE

Mr. Moreland stated there was no correspondence included in the packets.

OLD BUSINESS

- (A) **Case No: BOA 17-100025 Request for Reconsideration**
The case was moved to September 6th, 2017, meeting date.
- (B) **Report from City Attorney – Special Magistrate Report and Recommendation Pursuant to Section 70.51, Florida Statutes: Application BOA 16-100187**
The case was moved to September 6th, 2017, meeting date.

NEW BUSINESS

- (A) **Case No: BOA 17-100104**

 - Name of Applicant:** South Jax Beach, LLC
 - Property Address:** 3510 Ocean Drive South, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1., for a front yard setback of 18 feet, in lieu of 25 feet required; 34-336(e)(1)c.2., for a northerly side yard of 6.5 feet, and a southerly side yard of 8.2 feet, each in lieu of 10 feet required; 34-336(e)(1)c.3., for a rear yard setback of 10 feet, in lieu of 30 feet required; 34-336(e)(1)e., for 48.7% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling with pool, for property legally described as A part of Lots 8, 9, 10, and 11, Block 5, *Atlantic Shores*. (Lot B).

Applicant:

The applicant, Mr. Rick Johnson, 3528 Ocean Drive, Jacksonville Beach, stated the lot was non-conforming, and the front yard setback is consistent with the Coastal Construction Control Line. He added the requested front yard setback follows the others down the road.

Mr. Mann noted there was a separate lot of record they would consider later in this meeting with the same address. Discussion followed on the size and layouts of the two adjacent lots. Mr. Mann explained the requirements for building at the Coastal Construction Control Line. He noted the FDEP would have to issue a permit if it were seaward of that line.

Mr. Buck asked about the development around the pool. Mr. Johnson stated there would be decking. Mr. Mann clarified there was no decking around the pool associated with the variance application. Mr. Cummings asked about the second floor of the garage. Mr. Johnson responded it was to be a bonus room.

Public Hearing:

Mr. Gary Cater, 3500 Ocean Drive, Jacksonville Beach, stated he was opposed to the front yard setback. He expressed concerns about parking issues which may result. Also, he added the Board did not grant a variance for him some years ago for a front yard setback and expressed concerns this would be a precedent for other development in the neighborhood.

Mr. George Tellam, 3509 Ocean Drive, Jacksonville Beach, voiced his opposition to the setback from the street, expressing concern about parking. Mr. Johnson responded by stating the front yard setback is a requirement, and the parking would be accommodated in the rear of the property. He added they are not modifying the existing streetscape. Ms. Osewalt asked if all of the houses along the road has 18 feet setbacks. Mr. Johnson stated yes they were, except for the corner lot.

Ms. Kathleen Lewis, 24 South 31st Avenue, Jacksonville Beach, expressed her concern about permeability issues and flooding. Mr. Johnson responded there were design standards on how the water is handled and distributed.

Mr. John Swindell, 3115 First Street South, Jacksonville Beach, spoke in favor of the granting the application. He stated there were numerous homes along the street closer than the requested setback. He stated this was the highest and best use for the parcel.

Discussion:

Ms. Osewalt stated there was a total of 27 feet requested which was an overabundance of variance. Mr. Truhlar noted there was concern about the second story, and the garage being only 10 feet from the property line.

Mr. Buck noted most of the garages in this neighborhood were in the front of the house. He stated in this case; the garage is in the back so there would not be parking on the street. He added he was not a proponent of 18 feet setbacks, but in this case, with the garage in the back, it should not be a problem.

Mr. Cummings noted a 10-foot variance with a two-story building was very unusual.

Ms. Osewalt questioned whether this was the least which could have been asked for.

Motion: It was moved by Mr. Cummings, and seconded by Mr. Buck, to approve the application as read into the record.

Roll Call Vote: Ayes –Buck and Moreland
Nays – Cumming, Osewalt, and Truhlar
The motion was defeated by a 3 to 2 vote.

(B) Case No: BOA 17-100106

Name of Applicant: Jeffery B. Hall

Property Address: 605 Upper 8th Avenue South, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e., for 46.6% lot coverage, in lieu of 35% maximum; to allow a patio addition to an existing single-family dwelling, for property legally described as Lot 19, Block 7, *Oceanside Park*.

Applicant:

The applicant, Ms. Lenee Peters, 605 Upper 8th Avenue South, and Ms. Pam Peters, 482 15th Avenue South, stated the variance is for a patio slab in addition to what they presently have. They stated they wanted a functional patio, as there was not much room for the children to play.

Public Hearing:

No one wished to speak at this time.

Discussion:

Ms. Osewalt asked what the coverage is now. Mr. Mann stated it was 41%. Mr. Buck noted the lot is substandard by a large percentage.

Motion: It was moved by Mr. Cummings, and seconded by Mr. Truhlar, to approve the application as read into the record, proposed and discussed.

Roll Call Vote: Ayes – Cummings, Moreland, Osewalt, Truhlar, and Buck.
The motion carried unanimously.

(C) Case No: BOA 17-100119

The application was withdrawn by the applicant prior to the meeting.

(D) Case No: BOA 17-100122

Name of Applicant: Robert Angelieri

Property Address: 175 South 21st Street, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.1, for a front yard setback of 12 feet in lieu of 20 feet required; 34-338(e)(1)c.2, for a corner side yard setback of 2 feet in lieu of 10 feet required, and side yards totaling 7 feet in lieu of 15 feet required; 34-338(e)(1)c.3, for a rear yard setback of 7 feet in lieu of 30 feet required; 34-338(e)(1)e., for 59% lot coverage in lieu of 35% maximum; to allow construction of a new single-family dwelling on Lot 3, for property legally described as Lot 3, except the easterly 5 feet thereof and all of Lot 6, Block BB *as shown on map of Permenters Replat of South Pablo or Atlantic Camp Grounds.*

Applicant:

The agent for the applicant, Mr. John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated the lot was substandard. Mr. Mann reported to the Board that the applicant was recently granted conditional use approval for single family.

Mr. Moreland stated he was concerned with the line of sight. Mr. Denneen stated he could flip the house if necessary.

Ms. Osewalt asked if this was the minimum for lot coverage. Mr. Denneen stated it was. Mr. Moreland noted if this were a standard size lot, the lot coverage would be about 30%, but questioned whether the size of the house was the least could be requested. Mr. Denneen replied it was to provide a return for the lot cost.

Mr. Cummings expressed concern if they flipped the house what the impact of cars parked at the corner would be.

Public Hearing:

Ms. Osewalt read correspondence received concerning this request. There were letters stating the lot should be held to the requirements of the City for setbacks, expressing concern about the proximity to adjacent properties, amount of the request, and affects on property values. These concerns were also voiced for subsequent cases to be addressed.

Mr. Kastriot Tusha, 2103 2nd Street South, Jacksonville Beach, expressed concerns about traffic and parking impacts from this proposal.

Ms. Susan Mullaney, 2043B 2nd Street South, Jacksonville Beach, stated this proposed variance would have a major impact on the neighborhood.

Ms. Michelle Steffen, 2043A 2nd Street South, Jacksonville Beach, did not address the Board but was opposed to the proposal.

Ms. Osewalt read correspondence from a property owner expressing concern about the impacts on safety from traffic.

Mr. Denneen stated there would not be any more traffic than there is right now.

Discussion:

Mr. Truhlar asked about the conditional use request. Mr. Mann stated it was for the whole lot and the property could be developed in multi-family now without the conditional use approval and described the alternative type of development could occur.

Mr. Moreland noted these lots are exceptionally small lots, but he stated this was a huge request. Ms. Osewalt noted this might not be the minimum variance they could request.

Mr. Cummings stated the decision was tough because single-family is more preferable than multi-family. Mr. Moreland added he would like to see a reasonable

product on the lot, and duplexes would not be good for the neighborhood but noted the request was extreme.

Ms. Osewalt stated this was extensive and the next request would add more coverage to the other lot.

Motion: It was moved by Ms. Osewalt, and seconded by Mr. Truhlar, to deny the application, finding that the request is not the minimum variance needed which would allow reasonable use of land.

Roll Call Vote: Ayes – Moreland, Osewalt, Truhlar, Buck, and Cummings
Motion to deny the application was approved unanimously.

(E) Case No: BOA 17-100123

The application was withdrawn at the meeting by the applicant's agent John Denneen.

(F) Case No: BOA 17-100125

Name of Applicant: Brian Dohmen

Property Address: 3108 South Ocean Drive, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1., for a front yard setback of 18 feet, in lieu of 25 feet required; 34-336(e)(1)c.2., for 5 foot side yards, each in lieu of 10 feet required; 34-336(e)(1)e., for 49% lot coverage, in lieu of 35% maximum; 34-336(e)(1)g., for an accessory structure (pool deck) setback of 2 feet in lieu of 5 feet required; to allow construction of a new single-family dwelling for property legally described as Lot 6, Block 1, *Atlantic Shores Ocean Front Section – Division B*.

Applicant:

The agent for the applicant, Ms. Christi Elflein, 3512 Bay Isle Circle, Jacksonville Beach, stated the oceanfront lots in this area were platted before the zoning regulations. She stated this is a nonconforming lot is 32% smaller than the required lot size. She stated the house existed there did not meet the setback standards, and they are asking for less variance than had existed. She noted how the lot geometry required the proposed plan for the parcel. Mr. Mann noted there was a 2-car garage proposed. Ms. Elflein noted the angle of the driveway allowed for the driveway of 27 feet. She noted if the lot were conforming the requested coverage would comply.

Ms. Elflein stated the neighbors to the north are in favor of the plan and asked if they could situate the house to preserve the view. Mr. Moreland asked if would affect lot coverage. Ms. Elflein responded it would a little. Ms. Elflein stated they had to get FDEP permits because they were seaward of the Coastal Construction Control Line.

Ms. Osewalt then read the letter from the neighbor into the record. Mr. Brian Dohmen, 3108 Ocean Drive, Jacksonville Beach, stated he met with the southern neighbor, and they were generally in support.

Public Hearing:

Ms. Kathleen Lewis, 24 South 31st Avenue, Jacksonville Beach, voiced her opposition to the proposal. She stated this was a vacation home. She added she was concerned about the amount of impermeable surface. She stated parking would also be an issue. Also, she expressed concerns with the line of sight.

Ms. Julia Starr Sanford, 370 4th Avenue South, Jacksonville Beach, stated she had done another project down the street was an asset to the neighborhood. She added the footprint is narrow, and the most affected neighbor to the north is pleased with the design.

Ms. Elflein stated the footprint should improve the views. She added this would be a permanent residence.

Discussion:

Mr. Buck noted the footprint of the old house to the new house is similar. He added the parking situation would be improved by putting the garage further off the street.

Mr. Moreland stated they have a problem with oceanfront lots, and this one has done a better job in decreasing the potential lot coverage.

Mr. Truhlar expressed concern about the line of sight to the ocean. Mr. Cummings stated no matter what would be built on the lot; it would affect the ocean view.

Motion: It was moved by Mr. Buck, and seconded by Mr. Cummings, to approve the application as shown, submitted and discussed.

Roll Call Vote: Ayes – Buck, Cummings, and Moreland
Nays – Truhlar and Osewalt.
The motion was approved 3 to 2.

(G) Case No: BOA 17-100126

Name of Applicant: South Jax Beach, LLC

Property Address: 3510 South Ocean Drive, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1., for a front yard setback of 18 feet, in lieu of 25 feet required; 336(e)(1)c.2., for side yard setbacks of 7.5 feet each, in lieu of 10 feet required; 34-336(e)(1)c.3., for a rear yard setback of 15 feet, in lieu of 30 feet required; and 34-336(e)(1)e., for 52.5% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling with pool, for property legally described as A part of Lots 8, 9, 10, and 11, Block 5, *Atlantic Shores*. (Lot A)

Applicant:

The agent for the applicant, Mr. Rick Johnson, 3528 Ocean Drive South, Jacksonville Beach, stated this was a nonconforming lot of record. He stated the reduction in the rear yard is less because the lot is slightly bigger than the previous lot. He added he would consider accepting some tweaks or common ground to his request.

Mr. Moreland asked about parking. Mr. Johnson responded the parking area could hold five cars.

Mr. Johnson stated there were 727 square feet of pool decking. He added they could decrease the size if necessary. Ms. Osewalt asked what the minimum he could live with. Mr. Johnson replied 48%. Mr. Mann noted the plans show the deck eliminated on the south side of the pool. Mr. Buck confirmed brought it to the 52.5%.

Public Hearing:

Mr. George Tellam, 3509 Ocean Drive, Jacksonville Beach, stated the lot was large, and the requested variance was not necessary.

Ms. Osewalt read into the record an e-mail from Mr. Frederick Irving, 3515 Ocean

Drive South, Jacksonville Beach, objecting to the proposed 18-foot front yard setback. He stated the road was too narrow to allow for the variance and added the parking would not be sufficient. The e-mail expressed concerns about other portions of the request as well.

Mr. Gary Cater, 3500 Ocean Drive, Jacksonville Beach, stated the concerns he had were the same as before, in particular, the front yard setback.

Mr. Johnson stated the 18 feet was consistent with the other lots in the street.

Mr. Moreland stated if the screened in porch was lessened the front yard setback could be increased. Mr. Mann noted the porch was scaled at 21'4". Mr. Buck asked if they do away with the 18-foot setback and made it 20-feet would that be acceptable. Mr. Johnson stated yes.

Motion: It was moved by Mr. Buck and seconded by Mr. Truhlar to approve City of Jacksonville Beach Land Development Code Section 34-336(e)(1)c.1., for a front yard setback of 20 feet, in lieu of 25 feet required with the remainder staying the same, and 48 % lot coverage as discussed.

Roll Call Vote: Ayes – Buck, Cummings, Moreland Osewalt, and Truhlar
The motion passed as amended, unanimously.

(H) Case No: BOA 17-100129

Name of Applicant: Shawn T. Shanahan

Property Address: 919 North 8th Avenue, Jacksonville Beach

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)c.2., for an easterly side yard setback of 4.1 feet, in lieu of 5 feet required; 34-337(e)(1)c.3., for a rear yard setback of 21.5 feet, in lieu of 30 feet required; 34-337(e)(1)e., for 48.6% lot coverage, in lieu of 35% maximum; to allow for a room addition and carport to garage conversion for an existing single-family dwelling, for property legally described as the west 20 feet of Lot 10 and the east 40 feet of Lot 11, Block 100, *Pablo Beach Improvement Company's Plat of the northern portion of Pablo Beach.*

Applicant:

The applicant, Shawn Shanahan and Lisa Lopez, 919 8th Avenue North, Jacksonville Beach stated the lot is substandard. Mr. Shanahan stated they want to close the carport within the existing structure. He stated the original intention was for the garage to go in the backyard but the lot is too small. He added they plan to take up the existing gravel. He stated they want the garage to be a full-width garage even though not full depth. They would be able to accommodate one car.

Mr. Truhlar asked about current lot coverage. Mr. Shanahan responded it was currently 46%. Mr. Mann stated the net addition to coverage is 120 square feet.

Mr. Mann stated the prior variance cited RS-2 zoning standards as well. The variance in 2012 allowed for 46% when they asked for 55%. In response to Ms. Oswalt, Mr. Shanahan stated 48.6% is the minimum they would find acceptable.

Public Hearing:

No one wished to speak at this time.

Motion: It was moved by Mr. Buck, and seconded by Mr. Cummings, to approve the application as read into the record, as shown, submitted and discussed.

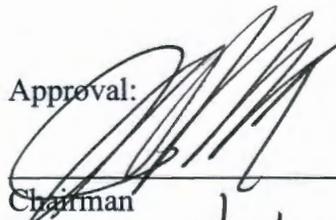
Roll Call Vote: Ayes – Cummings, Moreland, Osewalt, Truhlar, and Buck
The motion was approved unanimously.

ADJOURNMENT

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 9:13 P.M.

Submitted by: Amber Maria Lehman
Staff Assistant

Approval:



Chairman

Date:

11/7/2017