

**Minutes of Board of Adjustment Meeting
held Wednesday, December 5, 2017, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairman John Moreland called the meeting to order.

ROLL CALL

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

Ex-parte Communications

No ex-parte communications were received by the Board members.

Approval of Minutes: *None*

CORRESPONDENCE: *None*

OLD BUSINESS:

Case Number: BOA 17-100189

Name of Applicant: DNA Investments Florida, LLC

Agent: David Palaj

Property Address: 122 South 9th Street

City of Jacksonville Beach Land Development Code Section(s)34-339(e)(4)c.2., for side yard setbacks and a corner side yard setback of 7.5 feet in lieu of 10 feet required; 34-339(e)(4)h., for accessory structure setbacks of 2.2 feet, in lieu of 5 feet required; 34-373(d), for parking area setback of 2.2 feet, in lieu of 5 feet required; to allow construction of two three-unit townhouse structures, for property located at 122 South 9th Street, legally described as Lots 7 and 8, Block 20, *Pablo Beach South*.

Agent: David Palaj, 12480 Arrowleaf Lane, Jacksonville, FL 32225, submitted three documents just before the start of the hearing for discussion with the Board Members. He stated zoning allows for an 8-unit apartment building, but his plans are for two, three-unit townhomes. His request is most importantly for the side yard setback. Mr. Palaj explained that there would be more green space, better

drainage, and the disposal of storm water would be more efficient because of fewer residents.

Mr. Moreland asked why he did not move the two buildings together. Mr. Palaj stated pushing the buildings together is actually more costly to construct.

Ms. Osewalt did not feel he had a true hardship, to make more money is not a hardship. Mr. Truhlar asked about the traffic, right-of-ways, and parking on 9th Street and 2nd Street. The traffic and driveway entrances and exits on both street were discussed. Mr. Moreland stated if he built the units 19 feet wide instead of 20 feet, he would not need a variance. Mr. Palaj expressed it is crucial to have the 7.5 feet side yard setback variance. Dialog continued regarding right-of-ways and the pros and cons of Mr. Palaj building apartment units without a variance or having a variance, for his town home project. Several board members were very concerned with the 9th Street side yard setback request. Mr. Cummings stated 9th Street is a main artery to the beach, and 7.5 feet would put it very close to the road.

Public Hearing:

A letter of opposition was submitted by Amy Juall, 852 South 2nd Street, Jacksonville Beach, 32250. Ms. Osewalt read the letter on her behalf.

Mr. Palaj was asked to step forward and provide his rebuttal. He began by explaining because of his plan to under build; all of Ms. Juall's concerns would be addressed, and should not be an issue.

Motion: It was moved by Ms. Osewalt, and seconded by Mr. Cummings, to deny Case Number BOA 17-100189 because if the granting of the variance was not the minimum variance that will make it possible the reasonable use of the parcel of land.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Scott Cummings, and Jeff Truhlar.
Nays – Thomas Buck

The motion was denied, with a 4 to 1 vote.

NEW BUSINESS:

Case Number: BOA 17-100197

Name of Applicant: Paige Sreenan

Agent: Chuck Horn, Horn Builders, Inc.

Property Address: 3115 South 1st Street

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1., for a front yard setback of 12 feet, in lieu of 25 feet required; 34-

336(e)(1)c.2., for a northerly side yard setback of 5 feet, in lieu of 10 feet required, and a southerly corner side yard of 12 feet, in lieu of 16 feet required; 34-336(e)(1)c.3., for a rear yard setback of 12.6 feet, in lieu of 30 feet required; 34-336(e)(1).e., for 56% lot coverage, in lieu of 35% required; 34-373(f) for open cell pavers, in lieu of paving for driveway, to allow construction of a single-family dwelling, with pool, for property located at 3115 South 1st Street, legally described as Lot 8, together with the West 20 feet of lot 7, Block 3, *Atlantic Shores Oceanfront Section Division B*.

Agent: Mr. Chuck Horn, Horn Builders, Inc., 119 Margaret Street, Neptune Beach, FL 32266, began by explaining the hardship is the lot is too small at 6,000 square foot. Mr. Buck and Ms. Osewalt asked about the lot coverage, rear yard setbacks and asked if he could build less than 56%, he is asking for. Mr. Buck also asked if they could do with less back patio. Mr. Horn discussed with the Board the rear yard setback. Mr. Moreland asked if the driveway would take away a public parking space, which Mr. Horn explained the driveway is in between the public parking spaces on the road. He presented the board with a design option he drew up for a 50% lot coverage. Mr. Buck noted the new house is the same footprint as the current house there. It was asked if Mr. Horn could go to 49% lot coverage, which he replied he could find 1% reduction of the plan. Mr. Moreland wanted to know if they could take more of the patio away, and get it down to 47%. Mr. Horn explained it is a small patio and was trying to give as much space for outdoor living as possible. More discussion took place about reducing the lot coverage. Mr. Moreland's concern is the drainage, as it is already an issue on this street. He is concerned it might worsen with more lot coverage taken up by larger structures. Mr. Horn responded saying the new structure takes up the same footprint as the existing home, only with a second story and a garage.

Public Hearing:

Stephen Jensen, 27 South 32nd Avenue, Jacksonville Beach, FL 32250
Mr. Jensen said he is the neighbor immediately to the east and spoke in favor of the project.

Carla & Ken Lewis, 3105 South 1st Street, Jacksonville Beach, FL 32250
Mrs. Carla Lewis spoke in opposition to the 5ft. side yard setback request, and asked the Board Members to keep the 10 ft. required setback. Mr. Cummings asked if she could work with them and agree to 7.5 ft., she said they still prefer the 10 ft.

Mr. Horn was asked to step forward and provide his rebuttal. He explained to the Board Members he could not give up the 5 ft., as it would detract from the look and style of the house, and said the garage would be the structure facing the Lewis's home, providing them certain privacy. The Board continued with a discussion on how to accommodate all parties. Mr. Buck suggested taking 2 feet from the northerly side yard and add 2 feet to the southerly side yard setbacks, moving the planned structure and garage 2 feet to the south.

Motion: It was moved by Mr. Buck, and seconded by Mr. Cummings, 34-336(e)(1)c.1., for a front yard setback of 12 feet, in lieu of 25 feet required; 34-336(e)(1)c.2., for a northerly side yard setback of 7 feet, in lieu of 10 feet required, and a southerly corner side yard of 10 feet, in lieu of 16 feet required; 34-336(e)(1)c.3., for a rear yard setback of 12.6 feet, in lieu of 30 feet required; 34-336(e)(1)e., for 49% lot coverage, in lieu of 35% required.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Scott Cummings, Thomas Buck, and Jeff Truhlar.

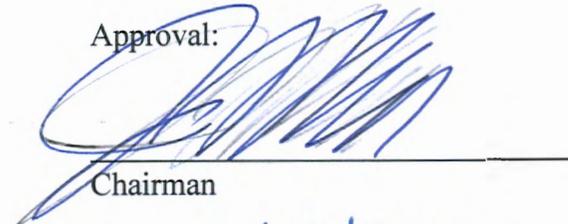
The motion was approved, as discussed, and modified, unanimously.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:50 P.M.

Submitted by: Catherine Martinich
Permit Specialist

Approval:



Chairman

Date:

12/19/2017