

**Minutes of Board of Adjustment Meeting
held Wednesday, January 17, 2018, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairwoman Sylvia Osewalt called the meeting to order.

ROLL CALL

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

Also in attendance were George Knight, Building Official and Cathy Martinich, Permit Specialist.

Ex-parte Communications

Ex-parte communications were received by the Board members, as follows:

- Sylvia Osewalt, received a voicemail from Mr. Joe Loretta regarding case number 17-100217, regarding lot coverage percent, but did not return the call, as she does not partake in ex-parte communications.
- John Moreland, received a phone call from Mr. Joe Loretta regarding case number 17-100217, he was hoping I would be in favor of his presentation.
- Thomas Buck, received a phone call from Mr. Joe Loretta regarding case number 17-100217, regarding lot coverage percent.
- Jeff Truhlar, received a phone call from Mr. Joe Loretta regarding case number 17-100217, but did not return the phone call.
- Scott Cummings, received a phone call from Mr. Joe Loretta regarding case number 17-100217, but did not return the phone call.
- Francis Reddington, received no communications.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Cummings, and passed unanimously, to approve the following minutes:

- January 2, 2018

CORRESPONDENCE: Letters were submitted for case number 17-100229, and will be read at the time the case is heard.

OLD BUSINESS: *None*

NEW BUSINESS:

(A) **Case Number: BOA 17-100216**

Name of Applicant: Harold Cooper and Terry Phillips

Property Address: 534 South 14th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e., for 43% lot coverage; in lieu of 35% maximum; to allow a detached shed in the rear yard of an existing single-family dwelling, for property **legally described** as Lot 3, Block 146, *Oceanside Park*.

Applicant:

The applicant, Harold Cooper, 534 South 14th Ave., Jacksonville Beach, FL 32250 was present and stated the hardship is they need a shed for storage. He stated lot coverage is higher because of the non-conforming lot. Ms. Osewalt said the lack of storage space is not a hardship, but the lot being non-conforming is. Mr. Buck stated the lot is 20% smaller than a conforming lot.

Current lot coverage was discussed. Mr. Buck asked if he talked with the neighbors. Mr. Cooper said they are in support of the variance.

Public Hearing:

No one came forward to speak about the case.

Discussion:

Lot size and lot coverage were discussed.

Motion: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve BOA# 17-100216 as written.

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

The motion was approved unanimously.

(B) **Case Number: BOA 17-100217**

Name of Applicant: Hasteh, LLC

Property Address: 1189 Beach Boulevard

City of Jacksonville Beach Land Development Code Section(s) 34-343(e)(5), for 88% lot coverage; in lieu of 85% maximum; to allow development of a 12,700 sq. ft. commercial building, for property **legally described** as a *Part of Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East, Duval County*.

Agents:

The following Agents were in attendance representing the application.

- Owen McCuller, Jr., Attorney, 225 Water St., Jacksonville
- Joe Loretta, 1887 Green Heron Court, Jacksonville Beach

Mr. McCuller gave opening statements reviewing the previous application and the revisions to be presented tonight. He discussed a booklet he presented and introduced Mr. Loretta.

Bill Mann, Planning and Development Director said the information in the booklet would be shown in the power point presentation for the audience.

Mr. Loretta presented the changes from the previous applications. He said there is a clear hardship, and there have been significant reductions in this lot coverage from the previously requested variance, bringing it down to 88%, from 97%. He described the overall site of the out parcel/shopping plaza. Having shared access drives that wrap around the whole building creates this hardship. Mr. McCuller spoke again and answered questions from the Board Members.

Discussion ensued about the lot coverage, parking, vehicular access, water management requirements and greenspace.

Public Hearing:

The following individuals spoke in favor of the agenda item:

- Tiffany Ashurian, 1617 Thacker Avenue, Jacksonville, FL 32207
- Lock Ireland, 13846 Atlantic Boulevard #206, Jacksonville, FL 32225
- Jon Singleton, 2572 Pineridge Road, Jacksonville, FL 32207

The following individuals spoke in opposition to the agenda item:

- Brooke Sams, 1592 Blue Heron Lane East, Jacksonville Beach, FL 32250
- Mark Steele, Owner, Tropical Smoothie, 1230 Beach Boulevard, Jacksonville Beach, FL 32250.
- James Sorrell, 1410 Pinewood Road, Jacksonville Beach, FL 32250

Ms. Osewalt closed the public hearing and asked the applicants to present their rebuttal.

Mr. Loretta noted this application is for lot coverage only. The comments from Board Members and citizens regarding parking and the rooftop outdoor seating were not pertinent to this request. Mr. McCuller finalized the rebuttal, answering questions and explained the landscaping and on-site plans.

Discussion:

Mr. William Mann, Planning & Development Director answered several questions the Board had. Discussion ensued about drainage, parking, landscaping, and outdoor seating.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to reject the application request because the grant of the variance is not the reasonable minimum to make the best use of the land, building or structure.

Mr. Cummings said a “yes” vote is to reject the application.

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

The motion was denied, unanimously.

(C) **Case Number: BOA 17-100219**

Name of Applicant: Robert E. Barnes, Sr.

Property Address: 679 South 12th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)e., for 44% lot coverage; in lieu of 35% maximum; to allow a pool and deck addition to a single-family dwelling, for property **legally described** as Lot 8, Block 117, *Oceanside Park*.

Applicant:

Robert E. Barnes, Sr., 3317 Royal Palm Drive, Jacksonville, FL 32250 was present and stated the lot is non-conforming and they are asking for 565 square feet of pavers, which will be 44% lot coverage. Mr. Barnes said the property is currently at 35%. The property is currently under construction and the hardship is the width of the lot at 50 feet.

The Board briefly discussed lot coverage and the number of pavers proposed.

Public Hearing:

The following individual spoke in opposition to the agenda item:

- Theresa Bartlett, 634 South 11th Avenue, Jacksonville Beach, FL 32250

Discussion:

Lot size and lot coverage were discussed. Mr. Moreland stated the lot is not substandard but it is as close as you can get without being substandard.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 17-100219, with the proviso that the excessive lot coverage is ground cover and not an erect structure.

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

The motion was approved unanimously.

(D) **Case Number: BOA 17-100220**
Name of Applicant: Laura B. Lybrand

Property Address: 1634 Westwind Drive

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.3, for a rear yard setback of 8 feet, in lieu of 20 feet approved via BZA 30-87; 34-338(e)(1)e., for 57% lot coverage; in lieu of 35% maximum; to allow a screened porch addition to a single-family dwelling, for property **legally described** as Lot 10, *Ocean Pond Unit Two*.

Applicant:

Laura B. Lybrand, 1634 Westwind Drive, Jacksonville Beach, FL 32250 was present and stated she is only asking for an extension of the patio by 5 feet to add a screened room. She discussed her plans to the Board Members and added there would be a rock drainage system on the end. Her hardship is her lot is extremely small.

Public Hearing:

The following person spoke in opposition to the agenda item:

- Janet Jesiolowski, 1648 Westwind Drive, Jacksonville Beach, FL 32250, submitted photos, a letter from a previous owner of her property, and a petition from 6 other neighbors also in opposition.

Discussion:

Lot size and lot coverage were discussed. Mr. Cummings stated based on the previous variance that was granted Ms. Lybrand could screen in her current patio but would require this variance to extend it.

Motion: It was moved by Mr. Buck, seconded by Mr. Cummings, that BOA# 17-100220, be denied because of the lot coverage, as it is more than necessary for reasonable use of the property.

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

Ms. Osewalt stated voting “yes” is a vote in favor of the motion to deny.

The motion was denied, unanimously.

(E) **Case Number: BOA 17-100221**
Name of Applicant: Robert E. Barnes Sr.

Property Address: 2480 South Beach Parkway

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e., for 42.5% lot coverage; in lieu of 35% maximum; 34-336(e)(1)g., for accessory structure setback of 3 feet, in lieu of 5 feet required; to allow construction of a swimming pool and deck addition to a single-family dwelling, for property located at 3928 Palm Way, **legally described** as Lot 7, Block 14, *Ocean Terrace*.

Agent:

Gary Carlee, 1129 Sebage Avenue South, Atlantic Beach, FL 32233 was present and explained the hardship is the lot is non-conforming, and they would like to increase the impervious ratio around the pool. Discussion ensued about lot coverage and questions of the setback request of 3 feet in lieu of 5 feet. Mr. Cummings asked if the pool could be moved 3 feet, and Mr. Carlee said the design is for the aesthetics, access, and egress of the pool, but it could be done.

Mr. Knight, Building Official, brought it to the attention of the Board before the motion was made that Mr. Carlee would need the 3 feet for the accessory structure (pavers), instead of removing it as Mr. Carlee had previously requested.

Public Hearing:

No one came forward to speak about the case.

Discussion:

The setback and lot coverage was discussed.

Motion: It was moved by Mr. Moreland, seconded by Mr. Buck, to approve BOA# 17-100221 as written and presented.

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

The motion was approved, unanimously.

(F) **Case Number: BOA 17-100222**
Name of Applicant: Melissa Rehfus

Property Address: 2480 South Beach Parkway

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)c.2, for a corner side yard of 6 feet, in lieu of 10 feet required; 34-337(e)(1)e., for 43% lot coverage; in lieu of 35% maximum; 34-337(e)(1)g., for an accessory structure (pool deck) setback of 4 feet, in lieu of 5 feet along the northerly property line, to allow a pool, spa and deck addition to a single-family dwelling, for property **legally described** as Lots 15 and 16, Block 1, *Williams Coastal Boulevard Heights*.

Agent:

Bob Hamill, 1126 Salt Creek Drive, Ponte Vedra Beach, FL 32082 was present and explained the hardship is the lot is undersized, for the RS-2 zoning. Calculations were discussed for the side setbacks, Mr. Knight reviewed the calculations, and Mr. Hamill submitted two drawings to the Board. Mr. Knight said if the variance were awarded as written, Mr. Hamill would have the room needed to construct the pool and spa. Discussion ensued regarding the calculations and site line at the corner of Osceola and South Beach Parkway.

Public Hearing:

No one came forward to speak about the case.

Discussion:

The setback and lot coverage was discussed.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA# 17-100221 as written and presented.

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

The motion was approved by a 4 to 1 vote.

(G) **Case Number: BOA 17-100223**
Name of Applicant: Payne Roberts, LLC

Property Address: 2123 South 2nd Street

City of Jacksonville Beach Land Development Code Section(s) 34-340(e)(1)c.2, for a side yard and corner side yard setbacks of 5 feet, in lieu of 10 feet required; 34-340(e)(1)c.3, for a rear yard setback of 10 feet, in lieu of 30 feet required; 34-340(e)(1)f., for 53% lot coverage maximum; in lieu of 35% maximum; 34-340(e)(1)h., for an accessory structure setback of 1 foot, in lieu of 5 feet required; to allow construction of three two-family dwellings, for property **legally described** as Lots 7, 8, and 9, Block “P”, *Atlantic Camp Grounds*.

Agent:

Kyle Passkiewicz, 3721 Dupont Station Court South, Jacksonville, FL 32217 present and stated the hardship is the 40-foot frontage, and 70-foot depth of the lots, do not meet requirements for standard lot size, for the three lots of record. Mr. Moreland said many lots east of A1A were plotted in the 1930’s and 1940’s and are substandard sizes. He asked if Mr. Passkiewicz could build single-family homes instead of the three two-family dwellings. He said all structures around the property are multifamily and single-family homes would not maintain values because of the culture of the neighborhood. Discussion continued regarding the proposed plans, dimensions of the units, and traffic.

Public Hearing:

The following are in favor of the agenda item but did not wish to address the Board:

- Shaun Murphy Jr., 112 South 30th Avenue, Jacksonville Beach, FL 32250
- Jennifer Martin Faulkner, 3318 South 1st Street, Jacksonville Beach, FL 32250
- Jane H. McDonald, 11138 Robins Nest Court, Jacksonville, FL 32225

The following individuals spoke in favor of the agenda item:

- Marlee Hanby, 8840 Quail Roost Court, Jacksonville, FL 32220

Discussion:

Lot size and lot coverage were discussed. The Board is only considering the 53% lot coverage because of the small size of the lots.

Motion: It was moved by Mr. Moreland, seconded by Mr. Buck, to approve BOA# 17-100223 as written and presented.

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

The motion was approved by a 4 to 1 vote.

(H) Case Number: BOA 17-100229

Name of Applicant: John K. McPherson

Property Address: 3315 South 1st Street

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1, for a front yard setback of 14.5 feet, in lieu of 25 feet required; 34-336(e)(1)c.2, for a northerly side yard of 8 feet, and a southerly side yard of 4.3 feet, each in lieu of 10 feet required; 34-336(e)(1)e., for 45% lot coverage, in lieu of 35% maximum, to allow renovations and additions to an existing single-family dwelling, for property **legally described** as Lots 5, Block 5, *Atlantic Shores, Oceanfront Section Division B*.

Agent:

Scott Rae, 212 Boating Club Road, St. Augustine, FL 32084 was present and stated the lot is non-conforming and to build the proposed home, it is advantageous to use the existing footprint of the current home. The current lot coverage is 48% and the application is for 45% but would like to maintain the existing setbacks, which are non-conforming as well. The plans are to renovate the existing two-story and add a third story master bedroom suite. Discussion ensued regarding setbacks and lot coverage.

Public Hearing:

Mr. Truhlar read two letters that were submitted, in favor of the agenda item:

- Randy DeLoach, 5934th Avenue South, Jacksonville Beach
- Tadarro and MaryBeth Richardson, 3307 South 1st Street, Jacksonville Beach

The following individual spoke in favor of the agenda item:

- Adrian H. Faulkner, 3318 South 1st Street, Jacksonville Beach, FL 32250

The following are in favor of the agenda item but did not wish to address the Board:

- Shaun Murphy Jr., 113 South 30th Avenue, Jacksonville Beach, FL 32250
- Jennifer Martin Faulkner, 3318 South 1st Street, Jacksonville Beach, FL 32250

The following individual was in opposition to the agenda item:

- T. K. Hinshaw, 102 South 32nd Avenue, Jacksonville Beach, FL 32250

Discussion:

Mr. Moreland was concerned with the line of sight in the front. Ms. Osewalt and Mr. Cummings agreed but cited the letter from the neighbor stating they were in favor of the variance.

Motion: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve BOA# 17-100229 as written and submitted.

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

The motion was approved, unanimously.

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 9:45 P.M.

Submitted by: Catherine Martinich
Permit Specialist

Approval:



Chairperson

Date: February 6, 2018