

**Minutes of Board of Adjustment Meeting
held Tuesday, March 6, 2018 at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Vice-Chairwoman Sylvia Osewalt called the meeting to order.

ROLL CALL

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

EX-PARTE COMMUNICATIONS

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

APPROVAL OF MINUTES

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

- February 6, 2018
- February 20, 2018

CORRESPONDENCE: *None*

OLD BUSINESS:

(A) Case Number: BOA 17-1000005

Name of Applicant: Robert J. Branley

Owner: Simon Michael

Property Address: 2700 South Ocean Drive

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1, for a front yard setback of 14 feet, in lieu of 25 feet required; 34-336(e)(1)c.2, for a westerly side yard setback of 6 feet, in lieu of 10 feet required; and a corner side yard setback of 7 feet, in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard setback of 7 feet, in lieu of 30 feet required; and 34-336(e)(1)e, for 49% lot coverage, in lieu of 35% maximum; to allow construction, of a new single-family dwelling for property **legally described** as Lots 1 and 2, Block 4, *Atlantic Shores, Ocean Front Section Division "C"*.

Applicant: Mr. Branley, 127 13th Avenue South, asked Mr. Knight to explain the issues involved with his application not being approved at the last BOA Meeting. Mr. Knight stated Mr. Branley presented a site plan that was in conflict with the actual written description of the variance request. After realizing the issue, the Board decided to table the issue until it was clarified. Mr. Branley is now submitting a site plan that accurately reflects the description of the variance he is requesting.

Ms. Osewalt asked Mr. Branley what is his hardship. Mr. Branley stated the lot is extremely small and is also shaped like a parallelogram instead of a rectangle.

Ms. Osewalt asked Mr. Branley about the vacant lots next to the property and how the rear-yard setback would impact the property owners. Mr. Branley stated the owner was present at this meeting and he agrees with the plans.

There were several questions from the Board to Mr. Branley as to which the direction the building would face and how it would affect the surrounding lots.

Public Hearing:

No one wished to speak at this time about the application.

Ms. Oswalt closed the public meeting.

Discussion:

Mr. Moreland stated there is no question that there is a hardship. Mr. Cummings stated the plans are consistent with houses in the area. He also stated it is clear now that we are giving him the proper variance and that it is being recorded properly.

Motion: It was moved by Mr. Moreland and seconded by Mr. Cummings to approve BOA# 18-100005 as discussed and viewed.

Roll Call Vote: Ayes – Thomas Buck, Scott Cummings, John Moreland, Sylvia Oswalt and Jeff Truhlar
The motion was approved, unanimously.

NEW BUSINESS:

(A) Case Number: BOA 18-100010

Name of Applicant: Jeffery Ball and Jacqueline Pappas-Ball

Agent: Gary Carlee

Property Address: 616 South 7th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)e, for 40.4% lot coverage, in lieu of 35% maximum to allow for a pool and deck addition to an existing single-family dwelling for property **legally described** as Lot 8, Block 7, *Oceanside Park*.

Applicant: Mr. Gary Carlee, 1129 Sebago Avenue South, Atlantic Beach, explained the hardship is the lot being zoned at RS2 but is only a 100 x 50 square foot lot, and it is 2,500 square feet short of the minimum of 7,500. He wanted to modify his current application by requesting an additional 2 feet to take a pool deck up to the property line, even though the application indicates 4 feet. Ms. Oswald explained a modification can only be done if there is a decrease in variance, not an increase.

Mr. Knight stated the other option would be for him to table the application if he wishes to amend the application to show the increase. Mr. Moreland asked the applicant if he would like to postpone for consideration. Mr. Carlee declined to postpone.

Mr. Moreland stated if the lot was standard size, the 40.4% lot coverage he is asking for would be under 35%.

Public Hearing:

No one wished to speak at this time about the application.

Ms. Oswald closed the public hearing.

Discussion:

There was no further discussion on this item.

Motion: It was moved by Mr. Moreland, and seconded by Mr. Truhlar, to approve Case Number BOA 17-100010 as presented and discussed.

Roll Call Vote: Ayes –Scott Cummings, John Moreland, Sylvia Oswald, Jeff Truhlar, and Thomas Buck
The motion was approved, unanimously.

(B) Case Number: BOA 17-100011

Name of Applicant: Orender Unlimited, LLC

Agent: Wade Olszewski, CPH, Inc.

Property Address: 391 South 16th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-337(a)1, for two 8-foot wide parking spaces, in lieu of 9 feet required; 34-337 for 8 off street parking spaces, in lieu of 14 required; to allow construction of a 4,200 square foot professional office building for property **legally described** as Lot 7, together with the South one half of a 12 foot wide Public Alley adjacent to this lot, all being in Block 154, *Pablo Beach South*.

Applicant: Wade Olszewski, 124 28th Avenue South, Jacksonville Beach, stated the hardship is a small commercially zoned property. He is proposing a 4,200 square foot building. There have been issues with getting the required parking onsite. He is proposing to have parking underneath the building. It will be a multi-story building.

Ms. Osewalt asked how many parking spaces were planned to be under the building. Mr. Olszewski stated there are 8 proposed onsite, 2 of them would need to be 8-foot wide instead of the required 9-foot. Another 7 are proposed to be along the right-of-way; partially onsite and partially on the right-of-way. There are an additional 4 as parallel spaces across the right-of-way. He stated he has met with Public Works and the Planning Department and the plan has been supported by these entities. 4th Street would be paved to City standards. He stated 14 parking spaces are required and he is proposing 19, which exceeds the minimum.

Mr. Cummings asked who would be maintaining the parking spots if being shared with the City. Mr. Olszewski stated he has not gone through permitting to date and was not sure whether there would be some sort of condition with regard to maintaining the parking spots. There was a discussion about other businesses in the area and what was required regarding maintaining their parking spots.

Ms. Osewalt stated the right-of-way belongs to the City of Jacksonville Beach and that there is a parking problem at the Beach. Mr. Olszewski stated this plan would help the parking at the Beach by adding parking to the right-of-way, these could be used by the public on the weekends. Mr. Moreland pointed out those spaces could be used 24/7 because they are on City property and would, therefore, impact the business.

A discussion ensued regarding where the entry into the property would be, how the 3-story building would fit the neighborhood, what types of businesses they would be marketing to and/or would they be the only business.

Owner: Donna Orender, 2320 South 3rd St., Suite 5, Jacksonville Beach, approached to speak with the Board. She stated the business is a not-for-profit business; Generation W. She explained more about the plans and the purpose for the community. Mr. Buck asked how many employees she had currently that would take up parking spaces. Ms. Orender stated she had four full-time employees currently.

Public Hearing:

The following Jacksonville Beach residents are in opposition but did not wish to speak:

- Mary Phillips, 934 10th Street North
- Terry & Suzanne Holt, 370 South 16th Avenue

The following Jacksonville Beach residents spoke in opposition:

- Tony Komarek, 533 11th Avenue South
- Jack Bookout, 403 16th Avenue South

Ms. Oswalt closed the public hearing.

Discussion:

A discussion ensued concerning the types of businesses in the area, congestion, parking, flooding, and maintenance.

Motion: It was moved by Mr. Buck, and seconded by Mr. Moreland, to approve Case Number BOA 18-100011 as submitted and discussed.

Roll Call Vote: Ayes – John Moreland, Thomas Buck
Nays – Sylvia Oswalt, Jeff Truhlar, Scott Cummings
The motion was denied by a 3-2 vote.

ADJOURNMENT

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:00 P.M.

Submitted by: Phyllis Nadeau
Secretary

Approval:

Sylvia Oswalt
Chairman

Date: 4/17/2018