

**Minutes of Board of Adjustment Meeting
held Tuesday, March 20, 2018, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Sylvia Osewalt called the meeting to order.

ROLL CALL

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

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

Ex-parte Communications

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

Mr. Cummings had a conversation with Mr. and Mrs. Smith, regarding their application, BOA# 18-100018. Ms. Osewalt announced BOA# 18-100018 for 1924 North 1st Street, has been deferred to the May 1, 2018, hearing.

Approval of Minutes

- None

CORRESPONDENCE:

Communications regarding applications will be read at the time the case is heard.

OLD BUSINESS: *None*

NEW BUSINESS:

(A) **Case Number: BOA 18-100013**

Name of Applicant: Richard A. Melkerson

Property Address: 1112 North 19th Street

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.3, for a rear yard setback of 21.5 feet in lieu of 30 feet required; to allow a room addition over an existing rear yard patio of a single-family dwelling, for property **legally described** as Lot 28, Block 12, *Beach Homesites Unit Two*.

Agent:

Paul West, 593 Margaret Street, Neptune Beach, FL 32266, explained Mr. Melkerson had removed the dilapidated master bedroom and wants to rebuild it on the existing slab, exactly where it was previously. Ms. Osewalt asked about the existing blue tarp on the roof. The existing patio on the application is actually his foundation with existing plumbing from the previous master bedroom. The setback requested is only to rebuild the master bedroom that existed when he purchased the home in 1997. Ms. Osewalt and Mr. West discussed the previous variance that was granted in 2004 for lot coverage only. Discussion continued about previous variances and bringing the property into compliance. Mr. Melkerson said the roof damage from Hurricane Irma would be repaired at the same time the master bedroom is built.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Discussion:

Mr. Cummings stated standard lot size is 10,000 sq. feet and his is around 7,500 sq. feet, showing his hardship. Mr. Buck noted he is just trying to bring the property into compliance nothing more.

Motion: It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 18-100013, as presented and discussed.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Scott Cummings, Thomas Buck and Lucas Snyder
The motion was approved, unanimously.

(B) Case Number: BOA 18-100015

Name of Applicant: Artur and Laura Draga

Property Address: 2107 South 1st Street

City of Jacksonville Beach Land Development Code Section(s) 34-340(e)(3)c.1, for a front yard setback of 15.2 feet, in lieu of 20 feet required; 34-340(e)(3)c.2, for a southerly side yard setback of 4.8 feet and a northerly side yard setback of 6 feet each, in lieu of 10 feet required; 34-340(e)(3)c.3, for a rear yard setback of 10 feet in lieu of 30 feet required; 34-340(e)(3)e. for 66.5% lot coverage, in lieu of 65% maximum, to allow a third floor addition and substantial improvement to an existing multi-family dwelling property **legally described** as Lot 11, Block O, *Permenters Replat South Pablo or Atlantic Camp Grounds, except for the West 5 feet thereof.*

Applicant:

Laura Draga, 2107 South 1st Street, Jacksonville Beach, FL 32250, explained the hardship is an undersized lot, and a covered sitting porch is desired. Plans are also to add a third story to the existing 2nd floor for bedrooms and bathrooms only. Her mother-in-law will live in the first-floor unit, she and her family will live in the upstairs, two-story unit. A discussion ensued regarding parking, the driveway, lot coverage, the front yard variance request, and the undersized lot hardship.

Public Hearing:

No one came forward to speak about the case.

Mr. Buck read a letter in opposition from Susan Mullaney, 2043 South 2nd Street, Unit B, Jacksonville Beach, FL 32250

Ms. Osewalt closed the public hearing.

Discussion:

The Board continued the discussion on lot coverage, setbacks, parking and bringing the property into compliance.

Motion: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve the application BOA 18-100015 and change 34-340(e)(3)c.1, for a front yard setback of 17.5 feet, in lieu of 20 feet required, as modified.

Roll Call Vote: Ayes - Scott Cummings, Thomas Buck, Lucas Snyder, and John Moreland.
Nays - Sylvia Osewalt.
The motion was approved as modified, with a 4 to 1 vote.

(C) Case Number: BOA 18-100016

Name of Applicant: Mark Darr, 99 Roscoe Boulevard, Ponte Vedra Beach, FL 32082

Property Address: 135 South 34th Avenue

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e. for 44.7% lot coverage, in lieu of 35% Maximum, to allow construction of a new single family dwelling, for property legally described as the East 9.60 feet of Lot 15, All of Lot 16, and the West 10.00 feet of Lot 17, Block 6, *Atlantic Shores Ocean Front Section Division-B*.

Agent:

John Denneen, 1254 Neck Road, Ponte Vedra Beach, FL 32082, stated the lot is non-conforming, falls within the set back sidelines, and the lot coverage is needed to build the new two-story, three-car garage dwelling. He noted the swimming pool is calculated in the requested 44.7% lot coverage.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Discussion:

The Board briefly discussed the lot coverage.

Motion: It was moved by Mr. Moreland, seconded by Mr. Buck, to approve BOA# 18-100016 as presented and discussed.

Roll Call Vote: Ayes – Scott Cummings, Thomas Buck, Lucas Snyder, John Moreland and Sylvia Osewalt.
The motion was approved, unanimously.

(D) Case Number: BOA 18-100019

Name of Applicant: Dr. Thomas Walls and Mrs. Laura Matheny-Walls, 115 South 34th Avenue, Jacksonville Beach, FL 32250

Property Address: 115 South 34th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)e., for 39% lot coverage, in lieu of 35% maximum, to allow a deck addition to an single family dwelling, for property **legally described** as Lot 20, Block 6, *Atlantic Shores Ocean Front Section Division-B*.

Applicant:

Laura Walls, 115 South 34th Avenue, Jacksonville Beach, FL 32250, stated they have a non-conforming lot, at only 6,250 square feet. They would like to extend the second floor and have an open deck, going out an additional eight feet. Mrs. Walls said they have three small children and wanted to extend it to place patio furniture there.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Discussion:

The Board briefly discussed the lot coverage and deck.

Motion: It was moved by Mr. Buck, seconded by Mr. Cummings, to approve BOA# 18-100019 as discussed.

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

The motion was approved, unanimously.

(E) Case Number: BOA 18-100022

Name of Applicant: Laura Lybrand, 1634 Westwind Drive, Jacksonville Beach, FL 32250

Property Address: 1634 Westwind Drive, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.3., for a rear yard setback of 11 feet in lieu of 20 feet required; for 34-338(e)(1)e., for 55.5% lot coverage, in lieu of 35% maximum; to allow a screen porch addition to a single-family dwelling, for property **legally described** as Lot 10, *Ocean Pond, Unit Two*.

Applicant:

Ms. Lybrand, 1634, Westwind Drive, Jacksonville Beach, stated she has an extremely small lot, this is her second appearance before the board to extend her existing patio, and add a covered roof. She wants to be able to sit out back, have privacy, and be out of the sun.

Agent:

Scott Andrews, Colonial Construction, 12582 Hidden Gardens Drive, Jacksonville, FL 32258, stated they only want to extend into the rear yard setback eleven feet, to accommodate the nine by

fifteen-foot patio. Ms. Osewalt asked about the neighbors that were in opposition at the previous hearing. Ms. Lybrand stated she was unable to reach the neighbor on Osceola, but the other neighbor Ms. Janet Jesiolowski, 1648 Westwind Drive, Jacksonville Beach, FL 32250, submitted a letter in favor of her request. Ms. Osewalt said she was concerned with the 55.5% lot coverage requested, 20% more lot coverage was a lot to ask for with the flooding the City deals with. Mr. Andrews said there was not a way to reduce it anymore. Discussion continued about drainage, removing existing concrete, to possibly replace with rock in exchange for the lot coverage for her patio.

Public Hearing:

No one came forward to speak about the case.

The following signed a petition submitted by the applicant in favor of the application:

- Mark Rogers, 1631 Westwind Drive, Jacksonville Beach
- Diana McGhee, 1507 Osceola Avenue, Jacksonville Beach
- Ralph Scheiding, 2505 Independence Drive, Jacksonville Beach

Ms. Osewalt closed the public hearing.

Discussion:

The Board discussed the lot coverage and the 11 foot rear yard setback.

Motion: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve BOA# 18-100022, 34-338(e)(1)c.3., for a rear yard setback of 11 feet in lieu of 20 feet required; and amended for 34-338(e)(1)e., for 49.5% lot coverage, in lieu of 35% maximum; as presented and discussed.

Roll Call Vote: Ayes – Lucas Snyder, John Moreland, Scott Cummings, and Thomas Buck.
Nays – Sylvia Osewalt
The motion was approved as modified, with a 4 to 1 vote.

(F) Case Number: BOA 18-100023

Name of Applicant: John Morris, 211 Jardin De Mer Place, Jacksonville Beach, FL 32250

Property Address: 602 North 9th Street, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)(2), for a total side yard setback of 13.75 feet in lieu of 15 feet required; for 34-337(e)(1)(e), for 40% lot coverage, in lieu of 35% maximum; 34-337(e)(1)(g), for an accessory structure setback of 1 foot in lieu of 5 feet required; 34-337(f), to allow a turf block driveway, in lieu of paved; to allow for construction of a new single-family dwelling, for legally described as Lot 7, Block 70 *Replat of Pablo Beach North*.

Applicant:

John Morris, 211 Jardin De Mer Place, Jacksonville Beach, FL 32250, stated they are planning to tear down the existing structure and build a new single-family dwelling, on their 50 by 125-foot undersized lot. He said the accessory structure is a portable shed, which would be removed as soon as construction is completed. It is used to store construction materials during the project. Mr. Buck asked if he would be willing to add that constraint into the motion. Mr. Morris agreed.

He said they would like to use turf block instead of any concrete, and they only want a staircase on the exterior. A discussion ensued about the project, the previous variance, and lot coverage.

Public Hearing:

No one came forward to speak about the case.

Ms. Osewalt closed the public hearing.

Discussion:

There was no discussion on this application.

Motion: It was moved by Mr. Moreland, seconded by Mr. Buck to approve BOA# 18-100023 as written, except for an accessory structure setback of 1 foot in lieu of 5 feet required, which is for a shed and will be for the duration of construction only.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Scott Cummings, Thomas Buck, and Lucas Snyder
The motion was approved, unanimously.

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 8:28 P.M.

Submitted by: Cathy Martinich
Permit Specialist

Approval:

Sylvia V. Osewalt
Chairperson

4/3/2018
Date