

**Minutes of Board of Adjustment Meeting  
held Tuesday, May 1, 2018, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**CALL TO ORDER**

Vice-Chairman Jeff Truhlar called the meeting to order.

**ROLL CALL**

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

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

**Ex-parte Communications**

Mr. Truhlar had none.

Ex-parte communications were reported by Mr. Moreland, who spoke to Ms. Susan Mullany about the hearing procedures, and had several conversations with Mr. Bob Angelieri, regarding his application BOA# 18-100051.

Mr. Cummings stated he spoke to Mr. and Mrs. Smith explaining the hearing process, and recommended they attend other meetings to become familiar with speaking to the Board.

Mr. Reddington had none.

Mr. Snyder had none.

**Approval of Minutes**

It was moved by Mr. Moreland, seconded by Mr. Cummings, but he first said there is one correction, Mr. Reddington has moved from the 1<sup>st</sup> Alternate position to a regular Board Member, at the previous meeting, and passed unanimously, to approve the following minutes.

- April 17, 2018

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

**(A) Case Number: BOA 18-100018**

**Name of Applicant:** Richard M. and Vivian M. Smith

**Property Address:** 1924 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-340(e)(1)c.2, for side yard setbacks of 6 feet each, in lieu of 10 feet required; for 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 54.2% lot coverage, in lieu of 35% maximum; 34-337(d), for a 0 feet parking area setback, in lieu of 5 feet required; 34-337(f), for a gravel parking area, in lieu of concrete or asphalt paving; to allow construction of a two-family dwelling, for property legally described as the South 31.00 feet of the East 85.00 feet of Lot 2, and the North 25.00 feet of the East 85.00 feet of Lot 3, Block 192, *Ocean Villa*.

**Applicant:** Richard and Vivian Smith, 1924 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250

Mr. Smith explained their hardship is the lot is very small at 56 x 85 and non-conforming. The existing home is a triplex, built in 1934, below grade, which causes flooding with hard rains. The dwelling has also sustained damage from last year's hurricanes. They would like to demolish the current structure and rebuild a duplex in its place. Mr. Moreland asked if the request is the least they can do for their plans. Mr. Smith said they could, and appreciated any guidance the board could offer. Mr. Moreland stated that the Council does not approve of 50% lot coverage or over. A discussion continued about the parking, elevation, and lot coverage.

**Public Hearing:**

The following person(s) were in favor of the request:

- Franko Turci, 1908 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250
- Luca Turci, 1910 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250
- Frank Marrero, 1916 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250

Mr. Smith submitted letters from the following neighbors, in support of their application:

- Eric and Jane Harris, 116 North 19<sup>th</sup> Avenue, Jacksonville Beach, FL 32250
- Roy ViTeri, 1916 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250
- Scott and Kriste Campbell, 103 North 19<sup>th</sup> Avenue, Jacksonville Beach, FL 32250
- Ron and Kaye Burnette, 603 North 19<sup>th</sup> Avenue, Jacksonville Beach, FL 32250
- Amy and Luca Turci, 225 Water Street, #710, Jacksonville, FL 32202
- Lyle F. Reimann, 91 North 19<sup>th</sup> Avenue, Jacksonville Beach, FL 32250
- Will Smith, awqwadoc@gmail.com

The following person(s) submitted a letter in opposition to the request:

- Shari Ferline, 1809 North 1<sup>st</sup> Street, #302, Jacksonville Beach, FL 32250

Mr. Smith responded to the opposing comments.

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA# 18-100018, as amended for 49.9% lot coverage, in lieu of the 54.2% requested.

**Roll Call Vote:** Ayes – John Moreland, Scott Cummings, Jeff Truhlar, Francis Reddington, and Lucas Snyder.  
The motion was approved, unanimously.

**(B) Case Number: BOA 18-100050**

**Name of Applicant:** William Cowden

**Property Address:** 2919 Merrill Boulevard, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)g., for an accessory structure setback of 1 foot, in lieu of 5 feet required, for a paver walkway to ratify an existing non-conformity, for a single-family dwelling, for property legally described as Lot 7, Block 7, *Jacksonville Beach Heights*.

**Agent:** David Benjamin, SurfSide Pools, 313 Beach Blvd., Jacksonville Beach, FL 32250

Mr. Benjamin explained his hardship is a sidewalk in the side yard setback. He said when they applied for the previous variance; the homeowner had an older survey, not showing the walkway. After constructing the pool and submitting the new as-built survey, the walkway was noted in the side yard setback. A second variance was required to have the existing walkway approved, which is there for his wife's wheelchair. The walkway is the only way to get her and the wheelchair to the Florida room and the pool.

**Public Hearing:**

No one came forward to speak about the case.

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Moreland and seconded by Mr. Cummings, to approve BOA# 18-100050.

**Roll Call Vote:** Ayes - Scott Cummings, Jeff Truhlar, Francis Reddington, Lucas Snyder, and John Moreland.  
The motion was approved, unanimously.

**(C) Case Number: BOA 18-100051**

**Name of Applicant:** Robert Angelieri and Christine Benner

**Property Address:** 175 South 21<sup>st</sup> Avenue, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-338(e)(1)c.1, for a front yard setback of 15 feet, in lieu of 20 feet required; 34-338(e)(1)c.2, for a corner side yard setback of 6 feet, in lieu of 10 feet required; and total side yards of 11 feet, in lieu of 15 feet required; 34-338(e)(1)c.3, for a rear yard setback of 10.17 feet in lieu of 30 feet required; 34-338(e)(1)e., for 50.2% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling, for property legally described as Lot 3, except the Easterly 5 feet thereof and all of Lot 6, Block BB, *Permenter's Replat of South Pablo or Atlantic Camp Grounds*.

**Agent:** Michael O'Neal, Payne Roberts, LLC 3721 DuPont Station Court South, Jacksonville, FL 32217

Mr. Angelieri explained the lot is substandard, and with the current RS-3 requirements and setbacks, they would not be able to meet the minimum square footage required by code. He

explained the five-foot exclusion that was done in 1931, to widen the street. He said he was not sure it was ever done, but this also makes the variance necessary. Mr. Angelieri distributed signatures of those in support of the application, a copy of the warranty deed showing the five-foot for the street widening, and photos of open cell pavers, to the board members [*Or file*]. Mr. O'Neal explained the hardship of the five-foot exclusion, in detail. A discussion ensued regarding the square footage of the proposed structure and lot coverage.

**Public Hearing:**

No one came forward to speak about the case.

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Moreland and seconded by Mr. Cummings, to approve BOA# 18-100051, as amended, for 49.9% lot coverage, in lieu of 50.2% lot coverage requested.

**Roll Call Vote:** Ayes – Jeff Truhlar, Francis Reddington, Lucas Snyder, John Moreland and Scott Cummings.  
The motion was approved, unanimously.

**(D) Case Number: BOA 18-100055**

**Name of Applicant:** Crescent 17, LLC

**Property Address:** 216 South 1<sup>st</sup> Street, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-338(e)(1)c.1, for a front yard setback of 14 feet, in lieu of 20 feet required; 34-338(e)(1)c.3, for a rear yard setback of 6.2 feet, in lieu of 30 feet required; 34-338(e)(1)e., for lot coverage of 46%, in lieu of 35% maximum; 34-338(e)(1)g., for an accessory structure setback of 0 feet, in lieu of 5 feet required for patios and walkways; for 34-373, to allow a non-paved driveway, to rectify existing non-conformities for property legally described as the South 40 feet of Lot 1, Block 22, *Pablo Beach South*.

**Agent:** Scott Gay, 814 North 1<sup>st</sup> Street, #101, Jacksonville Beach, FL 32250

Mr. Gay explained the property is a single-family home in RM-2 zoning. A conditional use application was recently granted to keep it as a single-family home. His hardship is the house was built before the Land Development Code was in place, and the variance is to make the existing home a legal, nonconforming structure. He said his intent is to use the existing slab, demolish the structure and rebuild new.

**Public Hearing:**

The following person(s) were in favor of the request:

- Larry Rice, 12 Ponte Vedra Circle, Ponte Vedra Beach, FL 32082

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Moreland and seconded by Mr. Cummings, to approve BOA# 18-100055.

**Roll Call Vote:** Ayes – Frances Reddington, Lucas Snyder, John Moreland, Scott Cummings and Jeff Truhlar.

The motion was approved, unanimously.

**(E) Case Number: BOA 18-100057**

**Name of Applicant:** Atkins Builders, Inc.

**Property Address:** 2016 North 1<sup>st</sup> Street, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-340(e)(4)h., for an accessory structure setback of 1 foot, in lieu of 5 feet required; 34-373(d), for a parking area setback of 4 feet, in lieu of 5 feet minimum; for property legally described as Lot 1 and Lot 2, Block 202, *together with the West half of a closed alley, Ordinance No. 5386, (as Currently Monumented & Possessed) Ocean Villa Replat.*

**Agent:** John Atkins, 286 South 1st Street, Jacksonville Beach, FL 32250

Mr. Atkins said his hardship is that the literal enforcement of the Land Development Code results in undue and unnecessary hardship. He is working with the owners to develop the property in an RM-2 zoning area that would allow up to eleven dwellings and noted they are only planning four, at this location. Mr. Atkins further explained the zoning requirements allow a building to be on the property line, but sidewalks and driveways must be five feet off the property line. The two, three-foot interior sidewalks are all they are asking for, to the property line. A discussion ensued regarding setbacks and lot coverages.

**Public Hearing:**

The following person(s) spoke in favor of the request.

- Farley Grainger, 102 A. Philip Randolph Boulevard, Jacksonville, FL 32202
- Mr. Russ Jordack, 177 San Juan Drive, Ponte Vedra Beach, FL 32082

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Moreland to approve BOA# 18-100057 as written, discussed and shown.

**Roll Call Vote:** Ayes – Lucas Snyder, John Moreland, Scott Cummings, Jeff Truhlar, and Francis Reddington

The motion was approved.

**(F) Case Number: BOA 18-100058**

**Name of Applicant:** Lisa Karr, 2663 Merrill Boulevard, Jacksonville Beach, FL 32250

**Property Address:** 2663 Merrill Boulevard, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e., for 50% lot coverage, in lieu of 35% maximum; to add a pool and patio to an existing single-family home; for property legally described as Lot 6, Block 4, *Jacksonville Beach Heights.*

**Agent:** Stella Knieriemen, Pools by Stella, 860 Bonita Road, Atlantic Beach, FL 32233

Ms. Knieriemen explained the hardship is the lot is undersized at 6,000 square feet and the minimum requirement is 7,500 square feet. The pool is a lap pool, coping only, with paver step stones. A discussion ensued about pervious and impervious surfaces and lot coverage.

**Public Hearing:**

No one came forward to speak about the case.

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Reddington and seconded by Mr. Moreland, to approve BOA# 18-100058 for 49% lot coverage, in lieu of 50% lot coverage requested, to add a pool and patio to an existing single-family home.

**Roll Call Vote:** Ayes – John Moreland, Scott Cummings, Jeff Truhlar, Francis Reddington, and Lucas Snyder.  
The motion was approved, unanimously.

**(G) Case Number: BOA 18-100059**

**Name of Applicant:** Travis A. Smith

**Property Address:** 2009 Waterway Island Lane, Jacksonville Beach, FL 32250

**City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.3, for a rear yard setback of 10 feet, in lieu of 30 feet required; and 34-336(e)(1)e., for 42% lot coverage, in lieu of 35% maximum; for construction of a new single-family home; for property legally described as *Lot 8, Preserve at Waterway Island*.

Mr. Smith explained his hardship is for a setback for his driveway to go around a large tree they want to preserve. He said the lot is irregularly shaped, and with a very long driveway, bringing it to an additional 13% more toward lot coverage. He stated everything, including the pool, is within the requested lot coverage of 42%. A discussion ensued on lot coverage and setbacks.

**Public Hearing:**

The following person(s) were in favor of the request:

- Nathan Hayes, 2001 Waterway Island Lane, Jacksonville Beach, FL 32250

The following person(s) might be in opposition to the request, stating they were there to learn the meeting process:

- Rick M. Shelby, HOA President, 2017 Waterway Island Lane, Jacksonville Beach, FL 32250
- Ty Gordon, 2040 Waterway Island Lane, Jacksonville Beach, FL 32250

Mr. Truhlar closed the public hearing.

**Motion:** It was moved by Mr. Cummings and seconded by Mr. Moreland, to approve BOA# 18-100059 as written, and discussed.

**Roll Call Vote:** Ayes – Scott Cummings, Jeff Truhlar, Lucas Snyder, and John Moreland  
Nays - Francis Reddington  
The motion was approved, with a 4 to 1 vote.

**Adjournment**

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:10 P.M.

Submitted by: Cathy Martinich  
Permit Specialist

Approval:

Sylvia Osewatz  
Chairperson

7/17/2018  
Date