

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 7, 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 at 7:04 p.m.

ROLL CALL

Chairperson: Sylvia Osewalt

Vice-Chairman: Jeff Truhlar

Board Members: John Moreland (*absent*), Scott Cummings

Alternates: Francis Reddington and Lucas Snyder

Also in attendance was George Knight, Building Official.

EX-PARTE COMMUNICATION

BOA #18-100129 - Ms. Osewalt stopped by site as concrete was being poured this afternoon and spoke with Tony Ackley, who was unaware of variances. Ms. Osewalt spoke with Building Official George Knight, Associate and Senior Pastors at First Christian Church of Beaches, located across the street from the property.

APPROVAL OF MINUTES *None*

CORRESPONDENCE *None*

OLD BUSINESS *None*

NEW BUSINESS

(A) **Case Number: BOA 18-100119**

Name of Applicant: Julia T. Samms

Property Address: 501 South 6th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-339(e)(3)c.3, for a rear yard setback of 25 feet in lieu of 30 feet required; and 34-339(e)(3)c.3g., for an accessory structure setback (sidewalk) of 4 feet, in lieu of 5 feet required; and 34-337, for 3 parking spaces in lieu of 4 required; to allow construction of a new two-unit multi-family dwelling, for *legally described as Lots 12, Block 56, Pablo Beach South.*

Applicant:

Julia T. Samms, 501 6th Avenue South, Jacksonville Beach, FL 32250, expressed the hardship of caring for her 85-year old mother, who requires a handicap accessible structure, and spoke about the lack of space availability to accommodate her needs on the property if current land code is enforced. Ms. Samms has previously submitted 19 petitions of neighbors in support of 25 feet rear yard setback [*on file*], and she also requested the reviewing for a sidewalk located inside the proposed setback, in addition to an alley closure. Ms. Osewalt stated the lot on the agenda item is a conforming lot. Mr. Reddington added it is difficult to approve any of the items on the agenda for the reason that it is a conforming lot.

Public Hearing:

The following individuals spoke in favor of the agenda item:

- Chip Mitchell, 4228 Melrose Avenue, Jacksonville, FL 32210

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

- Adolphus Dasnebus, 12086 Harbor Winds North, Jacksonville, FL 32225

The following individual spoke in opposition to the agenda item:

- Chris Malloy, 659 6th Avenue South, Jacksonville Beach, Florida 32250

Ms. Saams responded to the opposition and added to her explanation of why the request for a variance is due to a hardship and should be taken into consideration.

Ms. Osewalt closed the public hearing.

Discussion:

There was no discussion on this application.

Motion: It was moved by Mr. Reddington and seconded by Mr. Truhlar to reject BOA#18-100119, as presented.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Jeff Truhlar, Lucas Snyder, and Sylvia Osewalt.
The motion was denied, unanimously.

(B) Case Number: BOA 18-100120

Name of Applicant/Owner: Rebecca Rowland

Property Address: 977 South 15th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-337(e)(1) e.,
for 42% lot coverage, in lieu of 35% maximum; to replace and expand driveway to

an existing single-family dwelling for property legally described as *Lot 8, Block 150, Oceanside Park*.

Applicant:

Mills Rowland, 977 South 15th Avenue, Jacksonville Beach, FL 32250, stated driveway is not large enough to accommodate two cars. Ms. Rowland wanted to create one additional parking space. The hardship is the lot does not meet the required land development code for lot size requirements. Ms. Rowland's current lot size is 6,250 square feet and is required to be a minimum of 7,500 square feet.

Public Hearing:

No one came forward to speak about this case.

Discussion:

There was no discussion on this application.

Motion: It was moved by Mr. Truhlar and seconded by Mr. Cummings to approve BOA#18-100120, as shown and addressed.

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

(C) Case Number: BOA 18-100123

Name of Applicant: Ryan Wetherhold

Property Address: 2017 North 3rd Street, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-339(e)(4)c.2, for a side yard setbacks of 5 feet in lieu of 10 feet required; and 34-339(e)(4)c.3, for rear yard setback of 20 feet, in lieu of 30 feet required; 34-373(d) for a parking area setback of 0 feet in lieu of 5 feet required; to allow construction of a four-unit townhouse development for property legally described as Elton Realty Co.'s *Replat Lots 3, 4 (ex: South 5.50 feet), Block 203*.

Applicant:

Ryan Wetherhold, 1903 Eastern Drive, Jacksonville Beach, FL 32250. One handout was given to all board members by Mr. Wetherhold. Mr. Wetherhold stated drainage, geotechnical soil, and safety were reasons for requesting variances. Ms. Osewalt stated there is no hardship caused by the land and lot size is more than adequate for construction.

Public Hearing:

The following individual spoke in opposition to the agenda item:

- Rick Clarkson, 110 Seagate Avenue, Neptune Beach, FL 32250
- Emailed letter – Not signed, not considered by Board

Discussion:

There was no discussion on this application.

Motion: It was moved by Mr. Truhlar and seconded by Mr. Snyder to reject BOA# 18-100123, based on not qualifying as a hardship.

Roll Call Vote: Ayes – Jeff Truhlar, Scott Cummings, Francis Reddington, Lucas Snyder, and Sylvia Osewalt.
The motion was denied, unanimously.

(D) Case Number: BOA 17-100124

Name of Applicant: Stephen Jenkins

Property Address: 220 South 40th Avenue, Jacksonville, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-337(e)(1)c., for a rear yard setback of 22 feet, in lieu of 30 feet required for a covered pool deck; and for 34-336(e)(1)c. 1, for a 10 feet front yard setback limited to open porches, 15 feet for enclosed habitable space, and 18 feet for garage walls, in lieu of 25 feet required; 34-336(e)(1)c. 2, for side yard setbacks of 15 feet total, provided that no side yard is less than 5 feet, in lieu of 10 feet each; a rear yard setback of 20 feet in lieu of 30 feet required; and 34-336(e) for 50% lot coverage in lieu of 35% maximum; to allow for construction of a new single-family dwelling, for property, legally described as Lot 2, Block 1, Avalon, Unit No. 2.

Applicant:

Stephen Jenkins, 13858 Malachi Court, Jacksonville, FL 32224, explained trying to build a home in a non-conforming is the hardship. Ms. Osewalt stated lot coverage cannot be 50%. Lot size and lot coverage were discussed. Mr. Knight stated BOA granted a variance in 2011 for 20 lots at one time with 50% variance in the Avalon neighborhood, which set a precedent. Mr. Knight stated lot on the agenda is identical. Ms. Osewalt stated she was aware of the precedent.

Public Hearing:

No one came forward to speak about the case.

Discussion:

Mr. Knight reaffirmed the lot's small size creates a hardship and referenced the previously mentioned BOA case that granted such variance. Ms. Osewalt added the case set a precedent, and she will act based on the previously-made decision.

Motion: It was moved by Mr. Truhlar and seconded by Mr. Cummings to approve BOA# 18-100124, as shown and discussed.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Jeff Truhlar, Lucas Snyder, and Sylvia Osewalt.

The motion was approved unanimously.

(E) Case Number: BOA 18-100127

Name of Applicant: Jared and Hilary Libman

Property Address: 208 South 35th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-336(e)(1) e., for 49.7% lot coverage, in lieu of 35% maximum; to allow an addition of a paver patio to an existing single-family dwelling for property legally described as *Lots 3, 4, Block 17, R/P Unit no.1 Atlantic Shores.*

Applicant:

Jared and Hilary Libman, 208 South 35th Avenue, Jacksonville Beach, FL 32250, stated their hardship is a non-conforming lot. Mr. Libman explained the pavers that added to the lot size were put in by their contractor and the variance was requested to fix his error.

Public Hearing:

No one came forward to speak about the case.

Discussion:

Mr. Cummings stated this is one of many instances where the contractors are taking advantage of homeowners. Ms. Osewalt added these cases should not necessarily result in forgiveness from the city. Lot coverage changes were discussed, and a previous variance for that property was noted.

Motion: It was moved by Mr. Cummings and seconded by Mr. Truhlar to approve BOA# 18-100127 to allow for 46% lot Coverage, in lieu of the 35% maximum, as read and written.

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

Nayes – Sylvia Osewalt

The motion was approved by a 4 to 1 vote.

(F) Case Number: BOA 18-100129

Name of Applicant: Atkins Builders, Inc.

Owner: Louis and Erin Lambremont

Property Address: 220 South 40th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-340(e)(1)c.2, for a 5 foot southerly side yard setback for the north units and a 2 foot northerly side yard setbacks for the south units, in lieu of 10 feet required; 34-340(e)(1)f., 42.9% lot coverage, for the south units, in lieu of 10 feet required; 34-340(e)(1)f., for 42.9% lot coverage, for the south units, and 41.5% lot coverage for the north units, in lieu of 35% maximum; 34-340(e)(1)h., for an accessory setback of 1 foot, in lieu of 5 feet required; for patios and walkways, 34-373, for a parking area setback of 4 feet, in lieu of 5 feet required; to allow construction of two-new two-family dwellings, for property legally described as Lots 1, 2, Block 202, together with the west half of a closed alley, Ordinance No. 5386 (*as currently monumented & possessed*) Ocean Villa Replat.

Applicant:

John Atkins, 786 North 2nd Street, Jacksonville Beach, FL 32250, gave a handout to Board. Mr. Atkins stated that due to a miscommunication by the Planning Department at an earlier meeting, he now has a hardship of undersized and non-conforming lots. Mr. Atkins explained the lots were approved to become four units, and he wanted to remove breezeway to construct two duplexes at 42.9% and 41.5% lot coverages. Mr. Knight clarified it was not a miscommunication, but a misinterpretation from the applicant of the original board approval, and added that variances have been approved for a four-unit building. Confusion stirred regarding the variances the requestor is asking for. Mr. Knight clarified this variance would be needed to construct two separate two-family dwellings because they would be located in two lots, though it would not be needed had it been a single lot with four units.

Public Hearing:

The following individuals spoke in opposition to the agenda item:

- Rick Clarkson, 110 Seagate Avenue, Neptune Beach, FL, 32266
- Mathew Tenucci, 110 20th Avenue North, Jacksonville Beach, FL 32250, provided photos to the board.

The following individuals were in opposition to the agenda item, but did not wish to address the board:

- Mrs. Mathew Tenucci, 110 20th Avenue North, Jacksonville Beach, FL 32250
- Mr. Lyman, 91 19th Avenue North, Jacksonville Beach, FL 32250
- Sharon Lyman, 91 19th Avenue North, Jacksonville Beach, FL 32250
- Chris Beatrick, 122 20th Avenue North, Jacksonville Beach, FL 32250

- Bebe Beatrick, 122 20th Avenue North, Jacksonville Beach, FL 32250

The following individual was in opposition of the agenda item and submitted an email:

- Kristine Esklelin – 1739 5th Avenue North, Jacksonville Beach 32250

Mr. Atkins responded to the “loophole” comment from Mr. Clarkson by clarifying that the presence of a breezeway is the reason this variance was requested.

Discussion:

The hardship was identified, and lot coverage was discussed. More clarification was made regarding what justified a similar action taken on this lot in the past without a variance, and why a variance is needed in this case for the same lot. The availability of parking spaces was emphasized at a point later made by Mr. Cummings.

Motion: It was moved by Mr. Truhlar and seconded by Mr. Reddington to approve BOA# 18-10029, as read and written.

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

Nayes – Sylvia Osewalt.

The motion was approved by a 4 to 1 vote.

(G) Case Number: BOA 18-100130

Name of Applicant: Eric and Tiffany Marus and Patricia Green

Property Address: 1808 North 6th Avenue, Jacksonville Beach, FL 32250

City of Jacksonville Beach Land Development Code Sections(s) 34-336(e)(1)c.1, for a front yard setback of 17 feet, in lieu of 25 feet required; and 34-336(e)(1)e., for 59% lot coverage, in lieu of 25 feet required; and 34-336(e)(1)e., for 59% lot coverage, in lieu of 35% maximum; to allow a two-story addition to an existing single-family dwelling for property legally described as Lot 6, and the east 25 feet of Lot 7, Block 2, Pine Grove Unit No. 4.

Applicant:

Eric and Tiffany Marus of 1808 North 6th Avenue, Jacksonville Beach, FL 32250, requested this variance to accommodate family needs and structure, in addition to providing spaces for vehicles in a “neat” fashion. Ms. Oswalt explained they have an over-conforming lot, so the land does not seem to cause hardship.

Public Hearing:

The following individual spoke in opposition to the agenda item:

- Keith Hall, 1818 Azalea Drive, Jacksonville Beach, Florida 32250

Mr. Marcus added the additional space is to accommodate his mother in law.

Discussion:

There was no discussion on this application.

Motion: It was moved by Mr. Cummings and seconded by Mr. Truhlar to deny BOA# 18100130 as written.

Roll Call Vote: Ayes – Scott Cummings, Francis Reddington, Jeff Truhlar, Lucas Snyder, and Sylvia Osewalt.
The motion was denied, unanimously.

Planning & Development Director's Report

The next meeting is scheduled for Tuesday, August 21st, 2018

Adjournment

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 9:04 P.M.

Submitted by: Selena Hodge, Staff Assistant

Approval:

Sylvia W Osewalt
Chairman

8/15/18
Date