

**Minutes of Board of Adjustment Meeting
held Tuesday, October 15, 2019, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Jeff Truhlar called the meeting to order.

ROLL CALL

Chairperson: Jeff Truhlar
Vice-Chairperson: Francis Reddington
Board Members: Scott Cummings (absent) Sylvia Osewalt John Moreland
Alternates: Dan Janson

Building Official George Knight was also present.

ANNOUNCEMENTS: *None.*

EX-PARTE COMMUNICATION: *None.*

APPROVAL OF MINUTES: *None.*

CORRESPONDENCE: *None*

OLD BUSINESS:

(A) Case Number: BOA 19-100134

Applicant: Atkins Builder, Inc.
Agent: John Atkins
Owner: Florida Land Trust 2019 5 6
Property Address: 514 2nd Street South

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(1)c.2, for side yards of 6.25 feet in lieu of 10 feet required; 34-340(e)(1)c.3, for a rear yard of 20 feet in lieu of 30 feet required; 34-340(e)(1)f, for 53% lot coverage in lieu of 35% maximum; and 34-340(e)(1)h, for an accessory structure setback of 1-foot for sidewalks and 3 feet for stoops in lieu of 5 feet minimum to allow for the construction of a new two-family dwelling.

Mr. Truhlar asked Mr. Knight to clarify the zoning classification for this lot. Mr. Knight advised the property was initially zoned C-1, but now has conditional use of an RM-2 zoned lot.

Applicant: John Atkins, 1888 Foss Lane, Jacksonville Beach, stated due to the size of the lot it was not feasible to develop it for commercial use as there would not be adequate space for parking. Based on that, Mr. Atkins requested and received a use by exception from Planning and Development which allowed the lot to fall under RM-2 standards. Mr. Atkins advised the width of the lot is 62.50 square feet. Ms. Osewalt noted under RM-2 standards the minimum width required is 60 square feet. Mr. Truhlar noted the lot is 6,250 square feet which is over the 6,000 minimum requirement, and therefore not considered a hardship according to the Land Development Code. Mr. Atkins agreed but was only seeking a small amount of lienancy in order to allow for a two car garage and two car parking. He also stated none of the lots on that street were conforming and several had previously received the same variance he is requesting. Mr. Truhlar acknowledged Mr. Atkins effort to provide adequate parking however, one of the responsibilities of the Board is to correct previous actions that created nonconforming lots not continue to carry them forward. Ms. Osewalt advised just because variances were given in the past does not mean going forward those same types of variances would be granted. Mr. Truhlar asked if a duplex or townhome could be built on the lot, Mr. Atkins advised he could build a duplex or a three story townhome. Mr. Moreland asked if Mr. Atkins could work with 49% lot coverage instead of the 53% requested, Mr. Atkins stated he could.

Public Hearing:

No one else came before the Board to speak about this case.

Outside Correspondence:

Mr. Reddington read into record the following names of people who submitted emails (on file) in regards to this request:

- Jeff Maxwell, 504 2nd Street South, Jacksonville Beach (Opposed)
- Cody Monroe, Jacksonville Beach (Supported)

Mr. Atkins advised he had reached out to the neighbor who previously opposed the variance request to address his concerns.

Mr. Truhlar closed the public hearing.

Discussion:

Discussion ensued regarding the requirements of different zoning classifications.

Motion:

It was moved by Ms. Osewalt, to approve BOA# 19-100134, for 49% lot coverage only.

The motion died for lack of a second.

Amended Motion: It was moved by Mr. Janson, seconded by Ms. Osewalt, to approve BOA# 19-100134, for 49.9% lot coverage with no other variances.

Roll Call Vote: Ayes– Sylvia Osewalt, Dan Janson
Nays– John Moreland, Francis Reddington, and Jeff Truhlar
The motion failed 2-3.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson to approve BOA# 19-100134, for 49.9% lot coverage and the remaining variance requests as written.

Roll Call Vote: Ayes– John Moreland, Dan Janson, and Jeff Truhlar
Nays– Sylvia Osewalt, Francis Reddington
The motion was approved 3-2.

NEW BUSINESS:

(A) Case Number: BOA 19-100158

Applicant: John Atkins
Owner: CT3 Properties, LLC
Property Address: 821 3rd Avenue South

City of Jacksonville Beach Land Development Code Section(s): 34-339(e)(1)c.2, for side yards of 7 feet in lieu of 10 feet required; 34-339(e)(1)c.3, for a rear yard of 8 feet in lieu of 30 feet required; 34-339(e)(1)f, for 46% lot coverage in lieu of 35% maximum; and 34-339(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum for a stoop, all to allow for a new two-family dwelling.

Applicant: John Atkins, 1888 Foss Lane, Jacksonville Beach, stated the lot is only 3,018 square feet instead of the 6,000 square feet required causing the hardship. Mr. Truhlar noted the lot is also undersized in width at 50 feet verses the normal 60 feet. The lot is currently vacant, however, the prior lot coverage was 43.7%. Mr. Atkins advised they had done everything possible to minimize the requested lot coverage. Mr. Moreland said if the lot were conforming in size the requested coverage would only be 22%. Mr. Truhlar asked if decks would be added to the structure, Mr. Atkins stated no. Mr. Truhlar asked for clarification regarding the stoop. Mr. Atkins explained the stoops were 4 foot square pads required by building code to be placed in front of the garage service doors.

Public Hearing:
No one came before the Board to speak regarding this case.

Outside Correspondence:

Mr. Reddington read into record a letter from Amy Juall [on file] in opposition of this variance. The letter sited concerns about lack of trees and parking issues. Mr. Atkins stated there were no trees listed on the existing survey. Mr. Knight advised one tree must be planted on the property once the homes are built. Mr. Atkins further advised the property would have the correct amount of required parking spaces.

Mr. Truhlar closed the public meeting.

Discussion:

There was no further discussion among the Board members regarding this variance.

Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve BOA# 19-100158, as presented and discussed.

Roll Call Vote: Ayes– John Moreland, Sylvia Osewalt, Francis Reddington, Dan Janson, and Jeff Truhlar
The motion was unanimously approved.

(B) Case Number: BOA 19-100159

Applicant/Owner: Neil Saggase and Jill Blanks

Property Address: 1696 5th Avenue North

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for 41% lot coverage in lieu of 35% maximum and 34-336(e)(1)g, for an accessory structure setback of 2.5 feet in lieu of 5 feet minimum to rectify an existing non-conformity resulting from the installation of paver decking around a new swimming pool at an existing single-family dwelling.

Applicant: Neil Saggase and Jill Blanks, 1696 5th Avenue North, Jacksonville Beach, stated the lot is nonconforming at only 8,055 square feet which is the hardship. Mr. Saggase further advised prior to this meeting the shed was moved, so the accessory structure setback listed in the variance is no longer needed. Mr. Reddington asked if the pavers were put down without a variance, Mr. Saggase acknowledged they had been but not on purpose. He noted the initial survey he was given showed the lot at 10,000 square feet but once the two lots beside him sold he lost several square feet of property. Mr. Moreland stated if the lot was conforming the total coverage would actually be 32%.

Public Hearing:

Neil Saggese Sr., 4816 Coquina Crossing, Elkton, FL, was in favor of the variance application but preferred not to speak.

Outside Correspondence:

Mr. Reddington read into record the following names of people who submitted emails (on file) in support of this variance:

- Bryon Iveson, 1680 Upper 4th Avenue North, Jacksonville Beach
- Mary Kay Hall, 602 17th Street North, Jacksonville Beach
- Krista Frazee, 416 18th Street North, Jacksonville Beach
- Melinda Richey, 917 Bay Street, Neptune Beach
- Jim & Jessica Lewis, 1714 5th Avenue North, Jacksonville Beach
- Brittany McCaffrey, 1637 5th Avenue North, Jacksonville Beach
- Laurel Richardson, 1665 Upper 4th Avenue North, Jacksonville Beach

After being sworn in, the following spoke in favor of the variance application:

- Bruce Dickinson, 1729 Upper 4th Avenue North, Jacksonville Beach

Ms. Osewalt verified the accessory structure setback was no longer needed, Mr. Saggese confirmed that was correct. Mr. Truhlar closed the public meeting.

Discussion:

Ms. Osewalt noted the lot is nonconforming as it is less than the 10,000 square foot minimum.

Motion: It was moved by Ms. Osewalt, seconded by Dan Janson, to approve BOA# 19-100159, for 41% lot coverage in lieu of 35% minimum.

Roll Call Vote: Ayes – Sylvia Osewalt, Francis Reddington, John Moreland, Dan Janson, and Jeff Truhlar
The motion was unanimously approved.

(C) Case Number: BOA 19-100160

Applicant/Owner: Phillip and Rebecca Vogelsang

Agent: Jim McMann

Property Address: [REDACTED]

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for 49.8% lot coverage in lieu of 35% maximum to allow for a swimming pool, paver deck and screen pool enclosure addition to an existing single-family dwelling.

Agent: Jim McMann, 978 8th Street South, Jacksonville Beach, stated the hardship of the property is its an RS2 zoned property with only 6,000 square feet instead of the 7,500 minimum for that zoning type. Mr. Truhlar noted the lot is also undersized in width at 50 square feet, opposed to the 75 square feet minimum. Mr. Moreland advised if this were a standard sized lot the coverage requested would only be 39%. Mr. Reddington asked if this was the least amount of coverage the Applicant could work with, Mr. McMann advised they have kept the pool small and are only requesting three feet of pavers on one side with five feet on the other.

Public Hearing:

No one came before the Board to speak regarding this case.

Outside Correspondence:

Mr. Reddington read into record the following names of people who submitted emails (on file) in support of this variance:

- Phillip Vogelsang, [REDACTED] Jacksonville Beach, FL
- Carl and Lisa Ilano, 3113 Pullian Court, Jacksonville Beach, FL
- Alexander Jenkins, 3180 Pullian Court, Jacksonville Beach, FL
- Josh Rickerson, 3081 Pullian Court, Jacksonville Beach, FL
- Karen Wekstein, 3148 Pullian Court, Jacksonville Beach, FL
- Robert Dixon, 3276 Pullian Court, Jacksonville Beach, FL
- Saro Lascala, 3273 Pullian Court, Jacksonville Beach, FL
- Phil Zeller, 3084 Pullian Court, Jacksonville Beach, FL

Mr. Truhlar closed the public hearing.

Discussion:

Ms. Osewalt noted a variance for 43% was given to another property in the same neighborhood. There was no further discussion among the Board members.

Motion: It was moved by Mr. Moreland, seconded by Mr. Janson, to approve BOA 19-100160, as presented and discussed.

Roll Call Vote: Ayes – John Moreland, Sylvia Osewalt, Dan Janson and Jeff Truhlar
Nays – Francis Reddington
The motion was approved 4-1.

(D) Case Number: BOA 19-100161

Applicant/Owner: Carl and Lisa Ilano
Property Address: 3113 Pullian Court

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for 45.2% lot coverage in lieu of 35% maximum to allow for a swimming pool, paver deck and screen pool enclosure addition to an existing single-family dwelling.

Applicant: Carl and Lisa Ilano, 3113 Pullian Court, Jacksonville Beach, stated the lot is only 6,000 feet instead of the 7,500 square feet required causing the hardship. Mr. Truhlar advised this lot is also only 50 feet wide when it should be 75 feet wide for RS-2 zoning. According to Mr. Moreland, if the property were of standard size, the lot coverage would only be 37%. Ms. Osewalt noted in

2006 this property was given a variance of 40% lot coverage, making the current request only an additional 4.2.% for a pool, which she did not find to be unreasonable.

Public Hearing:

No one came before the Board to speak regarding this case. Mr. Reddington read into record the following names of people who submitted emails (on file) in support of this request:

Outside Correspondence:

- Phillip Vogelsang, [REDACTED] Jacksonville Beach, FL
- Alexander Jenkins, 3180 Pullian Court, Jacksonville Beach, FL
- Josh Rickerson, 3081 Pullian Court, Jacksonville Beach, FL
- Karen Wekstein, 3148 Pullian Court, Jacksonville Beach, FL
- Robert Dixon, 3276 Pullian Court, Jacksonville Beach, FL
- Saro Lascala, 3273 Pullian Court, Jacksonville Beach, FL
- Phil Zeller, 3084 Pullian Court, Jacksonville Beach, FL
- Carl and Lisa Ilano, 3113 Pullian Court, Jacksonville Beach, FL

Mr. Truhlar closed the public hearing.

Discussion:

There was no further discussion among the Board members.

Motion: It was moved by Mr. Reddington, seconded by Ms. Osewalt, to approve BOA 19-100161, as written and read.

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

(E) Case Number: BOA 19-100165

Applicant/Owner: Robert H. Trudeau

Property Address: 722 16th Avenue South

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for 41% lot coverage in lieu of 35% maximum to allow for a pool deck addition to an existing single-family dwelling.

Applicant/Owner: Robert H. Trudeau, 722 16th Avenue South, Jacksonville Beach, advised the lot is undersized or substandard at only 6,900 square feet of the minimum 7,500 that is required. The lot coverage was maxed out at 35% when the current deck and pool were initially built. Mr. Trudeau

would now like to add additional decking. Mr. Moreland estimated if the lot were conforming in size the actual lot coverage would only be 38%. Mr. Truhlar stated the lot is considered a narrow lot.

Public Hearing:

No one came before the Board to speak regarding this case.
Mr. Truhlar closed the public hearing.

Discussion:

There was no further discussion from the Board.

Motion: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve BOA 19-100165, as written and discussed.

Roll Call Vote: Ayes– John Moreland, Sylvia Osewalt, Francis Reddington, Dan Janson and Jeff Truhlar
The motion was unanimously approved.

PLANNING DEPARTMENT REPORT

Discussion ensued among the Board regarding the lack of applications for new members. Mr. Reddington wanted it noted for the record there are currently only five board members and one alternate. Additionally, two of the current serving Board member's terms are about to expire. While these Board members want to continue to serve, if they are not interviewed soon, they may not be able to vote at the next meeting should they be reappointed for an additional term. This could cause a lack of quorum which in turn could cause cases to be pushed to later dates in the year.

The next scheduled meeting is **Wednesday, 6 November, 2019**. There are eight (8) scheduled cases.

ADJOURNMENT

There being no further business coming before the Board, Mr. Truhlar adjourned the meeting at 8:15 P.M.

Submitted by: Sheila Boman
Staff Assistant

Approval:



Chairperson

11-19-2019

Date