

**Minutes of Board of Adjustment Meeting  
held Tuesday, August 4, 2020, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**CALL TO ORDER**

Chairperson Francis Reddington called the meeting to order.

**ROLL CALL**

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

Building Official George Knight was also present.

**EX PARTE COMMUNICATION:** No ex-parte was reported.

**APPROVAL OF MINUTES:** *None*

**CORRESPONDENCE:** *None*

**OLD BUSINESS:**

*None*

**NEW BUSINESS:**

- A.      Case Number:      **BOA#19-100077****  
Applicant/Owner: Carli Durden  
Agent: Joe Ofalt, Blue Haven Pools  
Property Address: 823 16<sup>th</sup> Avenue South  
Parcel ID: 176955-0090

**City of Jacksonville Beach Land Development Code Section(s):** 34-337(e)(1)e, for 49.2% lot coverage in lieu of 35% maximum (42% previously approved) to allow for a pool and pool decking addition to an existing single-family dwelling.

**Agent:** Joe Ofalt, 2375 St. Johns Bluff Road South, Jacksonville, advised the lot was undersized and nonconforming, causing the hardship. Mr. Truhlar inquired about the amount of coping going around the entire pool. Mr. Ofalt stated the amount of coping requested would be used to install a child-safe barrier around the pool and spa. Mr. Moreland asked about the need for 14 feet of decking. Mr. Ofalt explained the additional decking is also a safety issue and would extend the amount of space from the back step to the edge of the pool.

**Public Hearing:**

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

Mr. Reddington closed the public hearing.

**Discussion:**

Mr. Moreland advised if this were a standard sized lot, it would only be 37% lot coverage. Mr. Cummings noted Mr. Ofalt's proposal was very similar to what was typically given when someone was seeking to put in a pool.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA#19-100077, as written and described.

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

**B. Case Number: BOA#20-100078**

Applicant/Owner: Patricia Reilly  
Agent: Joe Ofalt, Blue Haven Pools  
Property Address: 1365 Seabreeze Avenue  
Parcel ID: 179459-1024

**City of Jacksonville Beach Land Development Code Section(s):** 34-338(e)(1)e, for 39% lot coverage in lieu of 35% maximum and 34-338(e)(1)g, for an accessory structure (existing shed) setback of 2.5 feet in lieu of 5 feet minimum from an accessory structure to allow for a pool and paver patio addition to an existing single-family dwelling.

**Agent:** Joe Ofalt, 2375 St. Johns Bluff Road South, Jacksonville, advised the hardship was an undersized, nonconforming lot. Mr. Truhlar noted, based on his calculations, the lot is 6,000 square feet, which does not constitute a hardship. He further advised the width, which was 60 feet, also did not meet hardship requirements. Discussion ensued regarding the lack of hardship for this property.

Mr. Moreland inquired about the existing shed, Mr. Ofalt stated the shed was going away.

**Public Hearing:**

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

Mr. Reddington closed the public hearing.

**Discussion:**

There was no further discussion.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Truhlar, to disapprove BOA# 20-100078, as written and described for lack of hardship.

**Roll Call Vote:** Ayes – John Moreland, Jeff Truhlar, Scott Cummings, Alexi Gonzalez and Francis Reddington  
The motion to disapprove the application was unanimously approved.

**C. Case Number: BOA#20-100079**  
Applicant/Owner: David Amber  
Property Address: 1238 Palm Circle  
Parcel ID: 177800-0010

**City of Jacksonville Beach Land Development Code Section(s):** 34-336(e)(1)e, for 50.1% lot coverage in lieu of 35% maximum and 34-336(e)(1)g, for an accessory structure (pool coping) setback of 4 feet in lieu of 5 feet minimum from a principal structure to allow for a pool and paver patio addition to an existing single-family dwelling.

**Owner:** David Amber, 1238 Palm Circle, Jacksonville Beach, stated the lot was purchased with 41.4% existing coverage. The lot was also undersized at 7,450 square feet verses the 10,000 square feet minimum required resulting in the hardship. He calculated if the lot were standard in size, he would only be requesting 36.3% lot coverage. Mr. Moreland asked if Mr. Amber could work with less than the 50.1% requested. Discussion ensued and Mr. Amber stated he could work with 49.8%.

**Public Hearing:**

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

Mr. Amber provided a petition (on file) with the names of neighbors who supported the variance request.

Mr. Reddington closed the public hearing.

**Discussion:**

There was no further discussion.

**Motion:** It was moved by Mr. Cummings, seconded by Mr. Moreland, to approve BOA#20-100079, for 49.8% lot coverage, including the setback of 4 feet in lieu of 5 feet minimum from a principal structure to allow for a pool and paver patio addition to an existing single-family dwelling.

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

**D. Case Number: BOA#20-100080**  
Applicant/Owner: Ruben Lavarias  
Property Address: 667 12<sup>th</sup> Avenue South  
Parcel ID: 176743-0120

**City of Jacksonville Beach Land Development Code Section(s):** 34-338(e)(1)e, for 42.8% lot coverage in lieu of 35% maximum to allow for a pool and paver patio addition to an existing single-family dwelling.

No one appeared before the Board for this case.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Truhlar, to suspend consideration for BOA# 20-100080

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

**E. Case Number: BOA#20-100082**

**Applicant:** Ryan Davis  
**Owner:** Robert and Tanya Adams  
**Property Address:** 745 Penman Road  
**Parcel ID:** 177862-0010

**City of Jacksonville Beach Land Development Code Section(s):** 34-336(e)(1)c.2, for a northerly side yard setback of 9.7 feet and a southerly side yard setback of 9.8 feet both in lieu of 10 feet minimum; 34-336(e)(1)c.3, for a rear yard setback of 24.8 feet in lieu of 30 feet minimum; and 34-336(e)(1)(e), for 42.8% lot coverage in lieu of 35% maximum (41% previously approved) all to rectify non-conformities resulting from the construction of a new single-family dwelling.

**Applicant:** Ryan Davis, 1131 Miramar Avenue, Jacksonville, stated the property had two issues that were not discovered until after the home was constructed. Mr. Davis explained due to survey errors, the home was staked out 25 square feet from both the front and rear setbacks instead of the approved 20 square feet. This went unnoticed during construction because the adjacent homes were also built 25 square feet from their own setbacks. Mr. Davis further advised the second issue was the amount of lot coverage. The lot was small at approximately 7,100 square feet and a previous variance was granted for 41% coverage. A circular driveway was designed for the property but to save an existing Magnolia tree, it was determined the driveway would need to shift from the right of way back into the property, adding an additional 1.8% to the lot coverage. Mr. Moreland asked if these errors occurred due to oversight on the part of the city. Mr. Knight replied no. He advised the errors were caused by the surveyor. Mr. Knight further noted the same surveyor had made the same type of errors on other properties previously approved by the Board.

**Public Hearing:**

The following spoke in support of the application:

- Tonya Adams, 745 Penman Road, Jacksonville Beach

Mr. Reddington closed the public hearing.

**Discussion:**

Discussion ensued and the Board agreed the hardship was caused by the surveyor and contractor, not the homeowner.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA#20-100082.

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

The motion was unanimously approved.

- F. Case Number:** BOA#20-100083  
Applicant/Owner: Steve Cowperthwaite  
Property Address: 438 and 472 6<sup>th</sup> Avenue North  
Parcel ID: 174200-0000

**City of Jacksonville Beach Land Development Code Section(s):** 34-339(e)(3)c.2, for side yard setbacks of 7.6 feet in lieu of 10 feet minimum to allow for the conversion of two existing single-family dwellings into one multiple-family dwelling.

**Applicant:** Steve Cowperthwaite, 438 6<sup>th</sup> Avenue North, Jacksonville Beach, advised the hardship was he would like to build a living room addition onto the 438 property but that required a variance to change the property from a detached multi-family to an attached multi-family dwelling. Mr. Moreland asked if the property would remain a multi-family, Mr. Cowperthwaite said yes it would. Mr. Cowperthwaite stated the new construction would not change current lot coverage or setbacks. Mr. Reddington asked about a 2012 change of use that classified the property as a single-family. Mr. Cowperthwaite explained the first structure built was a garage apartment. At that time, a variance was needed because the City required a home to be built first and what they had built was considered an accessory structure.

**Public Hearing:**

No one came before the Board to speak about this case.  
Mr. Reddington closed the public hearing.

**Discussion:** Discussion ensued regarding RM1 Zoning coverage definition and conditional use requirements. Mr. Knight advised the variance request would change the conditional use of the property to a multi-family dwelling, which is what it should have been from the start.

**Motion:** It was moved by Mr. Moreland seconded by Mr. Truhlar, to approve BOA#20-1000083 as presented and discussed.

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

- G. Case Number:** BOA#20-100084  
Applicant/Owner: Joseph and Debra Nordt  
Property Address: 1009 11<sup>th</sup> Street North  
Parcel ID: 179162-0040

**City of Jacksonville Beach Land Development Code Section(s):** 34-337(e)(1)c.2, for a southerly side yard setback of 4.8 feet in lieu of 5 feet minimum and 34-337(e)(1)(e), for 46.2% lot coverage in lieu of 35% maximum to rectify non-conformities resulting from the construction of a new single-family dwelling.

**Owner:** Joseph Nordt, 1041 11<sup>th</sup> Street North, Jacksonville Beach, stated the hardship was the lot was small and undersized. Mr. Nordt stated he submitted a proposed survey that came back as approved, but neither he nor the City realized the plan was over the allowed amount of lot coverage. Mr. Knight advised the plans did not include a deck when they were approved. Mr. Knight further advised even without the deck, the lot coverage was over the allowed amount. Mr. Moreland noted if the lot were standard sized, the lot coverage would only be 31.4 %.

**Public Hearing:**

No one came before the Board to speak about this case.  
Mr. Reddington closed the public hearing.

**Discussion:**

Discussion ensued and Mr. Moreland reiterated if the lot were standard in size the lot coverage would only be 31.4%

**Motion:** It was moved by Mr. Moreland seconded by Mr. Cummings, to approve BOA#20-1000029, as presented and discussed.

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

**H. Case Number:** BOA#20-100087  
Applicant/Owner: Chad Martin  
Property Address: 2578 Horn Street  
Parcel ID: 180855-0050

**City of Jacksonville Beach Land Development Code Section(s):** 34-337(e)(1)c.3, for a rear yard setback of 19.8 feet in lieu of 30 feet minimum for an existing covered porch; 34-337(e)(1)e, for 50.2% lot coverage in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure (pool coping) setback of 3 feet in lieu of 5 feet minimum from a principal structure to allow for a pool and paver patio addition to an existing single-family dwelling and rectify an existing non-conformity.

**Owner:** Chad Martin, 2578 Horn Street, Jacksonville Beach, stated the hardship was the lot was sub-standard. The plan is to build a small 10 x22 pool with partial coping. He further advised he reduced the amount of pavers around the pool to only a small section off the side of the pool and a few coming off of the existing patio. Mr. Moreland asked if Mr. Martin could work with 49.8% lot coverage. Mr. Martin stated he would prefer 49.9%.

**Public Hearing:**

No one came before the Board to speak.

Mr. Reddington closed the public hearing.

**Discussion:**

Mr. Moreland noted if this were a standard sized lot, the amount of coverage would only be 40.2%. Discussion ensued and the Board agreed this was a substandard sized lot.

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Cummings, to approve BOA#20-100087, for 49.9% lot coverage and the rest of the motion as written and discussed.

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

**PLANNING DEPARTMENT REPORT**

The next scheduled meeting is **Wednesday, August 19, 2020**. There are 8 scheduled cases.

**ADJOURNMENT**

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

Submitted by: Sheila Boman  
Office Assistant

These minutes were reviewed by Planning & Development.

Approval:

  
Chairperson

10-6-2020  
Date