

Minutes of Board of Adjustment Meeting
held Wednesday, September 7, 2022, at 6:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida



CALL TO ORDER

Chairperson Alexi Gonzalez called the meeting to order at 6:00 P.M.

ROLL CALL

Chairperson: Alexi Gonzalez

Vice-Chairperson: Owen Curley

Board Members: Dan Elmaleh

Jeff Truhlar (absent)

John Moreland

Alternates: Todd Smith

Jennifer Williams (absent)

Senior Planner Christian Popoli and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES:

It was moved by Mr. Moreland, seconded by Mr. Curley, and passed unanimously to approve the following minutes:

- August 2, 2022
- August 16, 2022

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: BOA#22-100087

Applicant/Owner: John Atkins, Atkins Builders, Inc.

Property Address: 'O' Horn Street (2452 Horn Street)

Parcel ID: 179928-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.2, for a total side yard of 10 feet in lieu of 15 feet minimum to allow for construction of a new single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: John Atkins, 1888 Foss Lane, Jacksonville Beach, stated the hardship was a nonconforming lot. He provided handouts to the Board [on file].

A brief discussion ensued about the side setbacks and height limits.

Public Hearing:

The following spoke in opposition to the variance:

- Olga Goldman, 1046 Owen Avenue, Jacksonville Beach
- Vikki Mesich, 1855 Riley Street, Jacksonville Beach

- Shawn Dahbour, 1120 Owen Avenue, Jacksonville Beach

The following submitted a speaker card in opposition to the variance but did not wish to speak:

- Rich Tomporowski, 1855 Riley Street, Jacksonville Beach

The following submitted emails [on file] in opposition of the variance:

- April Mitzel, 1126 Owen Avenue, Jacksonville Beach
- Tim and Sharon Pickering, 1102 Theodore Avenue, Jacksonville Beach
- RK Waltz (no address given)
- Ross Gambrell, 1105 Theodore Avenue, Jacksonville Beach
- Tammy Moses, 1105 Theodore Avenue, Jacksonville Beach
- Jennifer O'Neil (no address given)
- Harrison O'Neil (no address given)
- Jac Gamache (no address given)
- Sarah O'Neil (no address given)
- Bob and Belinda Bonenberger (no address given)
- Mack Horton (no address given)
- Claire Elliott (no address given)
- Suzanne O'Neil (no address given)
- J. Satinsky (no full name or address given)
- James Slesinski (no address given)
- Lynn Senkier (no address given)
- Alissa Shaw, 1107 Owen Avenue, Jacksonville Beach
- Veronica Woodyard, 1125 Theodore Avenue, Jacksonville Beach
- John Elrod (no address given)
- Kevin and Sharon Phillips, 1066 Ruth Avenue, Jacksonville Beach
- Amy Frank, 1125 Owen Avenue, Jacksonville Beach
- Tom and Kate Guidry, 2212 Riley Street, Jacksonville Beach
- David and Dori Bridson, 1950 Pullian Street, Jacksonville Beach
- Olga Goldman 1046 Owen Avenue, Jacksonville Beach
- Kim Shine, 1009 Ruth Avenue, Jacksonville Beach
- Josh Kalita (no address given)
- Beth and Barry Nicol (no address given)
- Ivan and Ann Richter, 2030 Horn Street, Jacksonville Beach
- Ursula Elrod, 1781 Horn Street, Jacksonville Beach
- Leslie McMahan, 1110 Owen Avenue, Jacksonville Beach
- Mary Kimball, 2251 Riley Street, Jacksonville Beach

Mr. Atkins responded to concerns from the neighbors.

Additionally, the following spoke in opposition to the variance:

- Stan Farrell, 1105 Theodore Avenue, Jacksonville Beach

Mr. Atkins addressed the comments.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to deny BOA#22-100087 based on the testimony and evidence provided the request fails to meet standard #2, the special circumstances and condition resulted from the applicant.

Discussion:

A discussion ensued about the previous application, use, and lot size.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Todd Smith
Nays – Dan Elmaleh, Alexi Gonzalez

The motion to deny passed 3-2.

B. Case Number: **BOA#22-100088**
Applicant/Owner Ian & Jacqueline Alves
Property Address: 1709 Riley Street
Parcel ID: 179944-0990

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 42% in lieu of 35% maximum; and 34- 337(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum to allow for construction of a new swimming pool, pool deck and patio, accessory shed and walkway at an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Ian Alves, 1709 Riley Street, Jacksonville Beach, stated the hardship was a nonconforming lot.

A brief discussion ensued about the accessory structure, pavers, setbacks, and communication with neighbors.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100088, in part, for the lot coverage of 42% in lieu of 35% maximum based on the standards for a variance outlined in Section 34-286 of the Land Development Code and to deny the accessory structures setback of 3 feet as it fails to meet the standards of Special Condition and Circumstances resulting in the action of the applicant.

Discussion: None

Roll Call Vote: Ayes – Owen Curley, Dan Elmaleh, John Moreland, Todd Smith, Alexi Gonzalez

The motion passed unanimously.

C. Case Number: BOA#22-100089

Applicant/Owner: ABC Liquors, Inc/ABC Properties, Ltd. - Phyllis Fitzpatrick
Agent: KPM Franklin - Ross Galbraith
Property Address: 608 Beach Boulevard
Parcel ID: 175453-0000

City of Jacksonville Beach Land Development Code Section(s): 34-343(e)(3)b, for a corner side-yard setback of 7 feet in lieu of 10 feet minimum; 34-343(e)5 for lot coverage of 94% in lieu of 85% maximum; 34- 377, for 15 parking spaces in lieu of 47 spaces required; 34-425(b)1, for no landscape buffer in lieu of 5 feet required; 34-425(c)1, for no internal landscaping for a parking area in lieu of 1 island per 10 spaces required to allow for renovation of an existing package liquor store.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Representative: John Kelly, 6300 Hazeltine National Drive, Orlando, stated the hardships of the property included: the building was not square to Beach Boulevard, the northeast corner was not within 7 feet of the property, and there was limited room for parking spaces.

A discussion ensued about parking, City right of way, and landscaping.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100089 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion continued about parking.

Roll Call Vote: Ayes – Dan Elmaleh, John Moreland, Owen Curley, Todd Smith, Alexi Gonzalez

The motion passed unanimously.

D. Case Number: BOA#22-100092

Applicant/Owner: Lents & Associates, PLLC - Matthew Lents
Property Address: 1201 3rd Street North
Parcel ID: 174613-0000

City of Jacksonville Beach Land Development Code Section(s): 34-377, for 6 on-site parking spaces in lieu of 14 required to allow for construction of a second-story office space addition and a third-story auxiliary dwelling unit to an existing one-story office building

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: The applicant was not present.

Motion: It was moved by Mr. Moreland and seconded by Mr. Curley to defer BOA#22-100092 until the next meeting.

Voice Vote: In a voice vote, the motion passed unanimously.

E. Case Number: **BOA#22-100093**
Applicant/Owner: Catherine Sturms
Property Address: 983 2nd Street South
Parcel ID: 176119-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.1, for a front yard setback of 7 feet in lieu of 20 feet required; 34-340(e)(3)c.3, for a rear yard setback of 16 feet in lieu of 30 feet minimum, to allow for construction of two new multi-family dwellings and to address existing non-conformities.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Catherine Sturms, 983 2nd Street South, Jacksonville Beach, stated the hardship was existing nonconformities and a substandard lot. She distributed two additional handouts [on file].

A brief discussion ensued about parking and lot coverage.

Public Hearing:

The following spoke in support of the variance:

- Greg Phipps, 127 10th Avenue South, Jacksonville Beach

The following spoke in opposition to the variance:

- David Robold, 123 10th Avenue South, Jacksonville Beach
- John Swindell, 115 10th Avenue South, Jacksonville Beach

The following submitted speaker cards [on file] in opposition to the variance but did not wish to speak:

- Sara Robold, 123 10th Avenue South, Jacksonville Beach
- Robert Robold, 123 10th Avenue South, Jacksonville Beach
- Vicki Swindell, 115 10th Avenue South, Jacksonville Beach
- Eric Feldman, 922 1st Street South, #401, Jacksonville Beach

The following submitted emails [on file] in opposition to the variance:

- Paul & Cecilia Bourjaily, 820 2nd Street South, Unit C, Jacksonville Beach
- Curt Clemens, 1002 2nd Street South, Jacksonville Beach
- Eric Bruder (no address given)
- Robert L. Robold, Sara Robold, Robert W. Robold, and David Robold, 123 10th Avenue South, Jacksonville Beach

The following submitted emails [on file] in support of the variance:

- David Gatto, 138 10th Avenue South, Jacksonville Beach
- Lisa and Greg Phipps, 127 10th Avenue South, Jacksonville Beach
- Robert Riggins, 130 10th Avenue South, Jacksonville Beach

Ms. Sturms responded to concerns from the neighbors. Jon Hanna (project builder), 3250 Isabella Boulevard, Jacksonville Beach, addressed questions from the Board.

Additionally, the following spoke in opposition to the variance:

- Curt Clemens, 1002 2nd Street South, Jacksonville Beach

A discussion ensued about parking, nonconformities, previous variances, short-term vacation rentals, and minimum bedroom square footage.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100093 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A brief discussion ensued about the parking and the flood zone.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Alexi Gonzalez
Nays – Dan Elmaleh, Todd Smith

The motion passed 3-2.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, September 20, 2022, at 6:00 P.M. There are six scheduled cases.

ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 8:07 P.M.

Submitted by: Lauren Loria
Administrative Assistant

The minutes were reviewed by Planning & Development.

Approval:

Alexi Gumpaley
Chairperson

10/4/22
Date