

**Minutes of Board of Adjustment Meeting
held Wednesday, February 22, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

Vice Chair Owen Curley called the meeting to order at 6:00 P.M.

ROLL CALL:

Chairperson: Alexi Gonzalez (absent)
Vice-Chairperson: Owen Curley
Board Members: Jeff Truhlar John Moreland Todd Smith
Alternates: Jennifer Williams Matt Metz (absent)

Senior Planner Christian Popoli, City Attorney Sandra Robinson, and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on February 7, 2023

CORRESPONDENCE:

Senior Planner Christian Popoli stated correspondence was located on the dais.

OLD BUSINESS:

A. Case Number: **BOA#20-100037**
Applicant: Timothy L. Malden
Owner: Source Property's LLC., Timothy Malden
Property Address: 121 7th Court South
Parcel ID: 176052-0000 & 176050-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.1, for a front yard setback of 6.5 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 3 feet each in lieu of 10 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 6 feet in lieu of 30 feet minimum; 34-340(e)(3)e, for 75% lot coverage in lieu of 65% maximum; 34-340(e)(3)g, for an accessory structure setback of zero feet in lieu of 5 feet minimum for paved swales; 34-373(c), for turning and maneuvering space of 18.5 feet in lieu of 23 feet required; 34-373(d), for a parking loading area setback of 3 feet in lieu of 5 feet minimum; and 34- 373(f), for one gravel parking space in lieu of required paving, all to allow for construction of a new two unit multiple-family dwelling.

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

Applicant: Timothy Malden, 12839 La Costa Court, Jacksonville, stated the hardship was a substandard lot.

A discussion ensued about the property entrance, parking, and pavers.

Public Hearing:

The following spoke in opposition to the variance:

- Ann Heusinger, 112 7th Avenue South, Apt B, Jacksonville Beach

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

- Steve Reedberry, 1301 1st Street South, #1207, Jacksonville Beach

The following spoke in support of the variance:

- Steven Diebenow, 1 Independent Drive, Suite 1200, Jacksonville

Mr. Malden addressed the concern expressed by Mr. Reedberry.

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#20-100037 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the footprint, zoning, and lot size.

Roll Call Vote: Ayes – John Moreland, Jeff Truhlar, Todd Smith, Jennifer Williams, Owen Curley
The motion passed unanimously.

NEW BUSINESS:

A. **Case Number:** BOA#23-100001
Applicant/Owner: Josue Garcia
Agent: Daniel Lerin
Property Address: 1485 Eastwind Drive North
Parcel ID: 179459-3005

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.3, for a rear yard setback of 13 feet in lieu of 20 feet minimum; and 34-338(e)(1)e, for lot coverage of 49.3% in lieu of 35% maximum to allow for a second story addition and an extended second-floor balcony to an existing single-family dwelling.

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

Agent: Daniel Lerin, 1886 Seminole Road, Atlantic Beach, stated the hardship was a nonconforming lot.

A brief discussion ensued about the second story.

Public Hearing:

No one came forward to speak on this item. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100001 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about lot coverage.

Roll Call Vote: Ayes –Jeff Truhlar, John Moreland, Todd Smith, Jennifer Williams, Owen Curley
The motion passed unanimously.

B. Case Number: BOA#23-100002
Applicant/Owner: 0 2nd Street Acquisition, LLC - Steven Wacaster
Property Address: 0 2nd Street South
Parcel ID: 176317-0000

City of Jacksonville Beach Land Development Code Section(s): 34-342(e)(3)a, for a front yard setback of 6 feet 9 inches (6'9") in lieu of 10 feet minimum; and 34-342(e)(3)b, for a corner side-yard setback of 3 feet 3 inches (3'3") in lieu of 10 feet minimum to allow for the addition of second and third floor cantilevered balconies on a proposed new commercial office structure.

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

Applicant: Steven Wacaster, 229 San Juan Drive, Ponte Vedra Beach, stated the hardship was a balcony on the third floor that would extend into the setback. Mr. Wacaster noted an error on the agenda; the balconies would only be on the third floor of the building.

A discussion ensued about the site triangle and the impact on neighboring properties.

Public Hearing:
No one came forward to speak on this item. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100002 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Roll Call Vote: Ayes – Jeff Truhlar, Todd Smith, John Moreland, Jennifer Williams, Owen Curley
The motion passed unanimously.

C. Case Number: BOA#23-100003
Applicant/Owner: Mitchell Tidwell
Property Address: 1225 15th Avenue North
Parcel ID: 175356-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.2, for an eastern side yard setback of 9.5 feet and a western side yard setback of 8.1 feet, both in lieu of 10 feet minimum; 34- 336(e)(1)d, for a floor area of 1,136 square feet in lieu of 1,600 square feet minimum and no garage in lieu of a one car garage minimum; and 34- 336(e)(1)e, for lot coverage of 46.3% in lieu of 35% maximum to rectify existing non-conformities and allow for construction of a new swimming pool and pool deck attached to an existing single-family dwelling.

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

Applicant: Mitchell Tidwell, 1664 Roberts Drive, Jacksonville, stated the hardship was a substandard lot.

A discussion ensued about the year the house was built and communication with the property neighbors.

Public Hearing:

No one came forward to speak on this item. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100003 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about lot size.

Roll Call Vote: Ayes – Todd Smith, John Moreland, Jeff Truhlar, Jennifer Williams, Owen Curley
The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Tuesday, March 7, 2023, at 6:00 P.M. There are six scheduled cases.

Mr. Popoli announced a City Council Workshop on Land Development Code Parking Update would be held on February 23, 2023.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:43 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Alexis Grangaley
Chairperson
3/22/23
Date