

**Minutes of Board of Adjustment Meeting
held Tuesday, November 7, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

Vice-Chairperson 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: Matt Metz Jennifer Williams

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

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on October 17, 2023

CORRESPONDENCE: None

OLD BUSINESS:

A. Case Number: **BOA#23-100100**
Applicant/Owner: Anthony Simonetta
Agent: N/A
Property Address: 948 Gonzales Ave Lot 5
Parcel ID: 176631-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-338(e)(1)c(3), for rear yard setback of 20 feet in lieu of 30 feet; and 34-338(e)1(e) for lot coverage of 50% in lieu of 35% maximum to allow for a new single-family home for property addressed 948 Gonzales Ave Lot 5, RE# 176631-0000, legally described as Lot 5, Block 98, Oceanside Park.

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

Agent: Ryan Wetherhold, 19 12th Street South, Jacksonville Beach, stated the hardship was an undersized lot.

A discussion ensued about lot coverage, back patios and two lots.

Public Hearing:

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

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100100 for 39.5% lot coverage based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the lot coverage and lot size.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Jeff Truhlar, Todd Smith, and Jennifer Williams

The motion passed unanimously.

B. Case Number: **BOA#23-100101**
Applicant/Owner: Anthony Simonetta
Agent: N/A
Property Address: 948 Gonzales Ave Lot 6
Parcel ID: 176631-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-338(e)(1)c(3), for rear yard setback of 20 feet in lieu of 30 feet; and 34-338(e)(1)(e) for lot coverage of 50% in lieu of 35% maximum to allow for a new single-family home for property addressed 948 Gonzales Ave Lot 6, RE# 176631-0000, legally described as Lot 6, Block 98, Oceanside Park.

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

Agent: Ryan Wetherhold, 19 12th Street South, Jacksonville Beach, stated the hardship was an undersized lot.

Public Hearing:

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

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100101 for 39.5% lot coverage based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Roll Call Vote: Ayes – Owen Curley, Jeff Truhlar, Todd Smith, John Moreland, and Jennifer Williams

The motion passed unanimously.

NEW BUSINESS:

A. Case Number: **BOA#23-100105**
Applicant/Owner: Sandra Terra
Agent: N/A
Property Address: 827 S 8th St
Parcel ID: 176604-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-338(e)(1)a, for a front yard setback of 15.5 feet in lieu of 20 feet minimum; 34-338(e)(1)g, for an accessory structure side yard setback of 0 feet in lieu of 5 feet on north west quadrant of property for and existing pump house; 34-338(e)(1)g for an accessory structure side yard setback of 4 feet in lieu of 5 feet on north east quadrant of property for an existing tool shed; 34-338(e)(1)g, for an accessory use setback of 1 foot

in lieu of 3 feet minimum for a walkway along the north side yard and 1.5 feet in lieu of 3 feet minimum along the eastern rear yard for an existing walkway; 34- 338(e)(1)c(3), for rear yard setback of 2 feet in lieu of 30 feet minimum for existing back porch roof extension; 34-338(e)(1)e for lot coverage of 75% in lieu of 35% maximum for existing pavers and 34-373(a)1, for two off street parking spaces 15.5 feet deep in lieu of 17 feet deep, to address existing nonconformities to an existing single-family dwelling for property addressed 827 S 8th St, RE# 176604-0000, legally described as Lot 6, Except The North 56 feet, Block 88, Oceanside Park.

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

Applicant: Sandra Terra, 827 South 8th St, Jacksonville Beach, stated the hardship was an undersized lot.

A discussion ensued about pre-existing conditions, a shed, pavers, setbacks, and a code case.

Public Hearing:

The following spoke in opposition to the variance:

- Victor Kharchenico, 788 8th Avenue South, Jacksonville Beach
Mr. Kahrchenico submitted photos [on file] to the board.

Tom Cusick, 847 12th Avenue South, Jacksonville Beach, was sworn in but withdrew his speaker card.

Mr. Popoli provided clarification about the porch expansion.

Ms. Terra addressed the porch extension and new roof.

Discussion ensued regarding the roof work.

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#23-100105 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A conversation ensued about a possible amendment to the motion.

Motion to Amend: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to amend the motion for the variance to apply to the existing structures discussed and shown in the presentation.

Discussion: A brief discussion continued about the neighbor's complaints and the roof location relative to the property line.

Motion to Amend Roll Call Vote: Ayes – Jeff Truhlar, Todd Smith, John Moreland, Owen Curley, and Jennifer Williams

The motion to amend passed unanimously.

Discussion: A discussion continued about the hardship and lot coverage.

Amended Motion Roll Call Vote: Ayes – Jeff Truhlar and Owen Curley
Nays – Todd Smith, John Moreland, and Jennifer Williams

The amended motion failed 3-2.

B. Case Number: **BOA#23-100108**
Applicant/Owner: Michael Fraley
Agent: N/A
Property Address: 610 7th Ave N
Parcel ID: 174294-0010

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-337(e)1(c)2, for a combined side yard setback of 14 feet in lieu of 15 feet; 34-337(e)1(c)e, for lot coverage of 47% in lieu of 35% maximum; 34-337(e)1(c)3, for rear yard setback of 22.11 feet in lieu of 30 feet for the primary dwelling and the new rear porch roof addition; 34-337(e)1(g), for accessory structure setback of 3.8 feet in lieu of 5 feet for the rear yard and 2.4 feet in lieu of 5 feet minimum for the eastern side yard for an existing shed, to address existing nonconformities and allow for a rear porch roof addition over an existing patio to an existing single-family dwelling for property addressed 610 N 7th Ave, RE# 174294-0010, legally described as Lot 2, Block 77, Pablo Beach.

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

Applicant: Michael Fraley, 610 7th Ave North, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:

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

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100108 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the reasonable request for a nonconforming lot.

Roll Call Vote: Ayes – Todd Smith, John Moreland, Owen Curley, Jeff Truhlar, and Jennifer Williams

The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Tuesday, November 21, 2023, at 6:00 P.M. There are two scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:48 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Alli Gonzalez
Chairperson

12/5/23
Date