

**Minutes of Board of Adjustment Meeting
held Tuesday, August 6, 2024, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

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

ROLL CALL:

Chairperson: Owen Curley

Vice-Chairperson: Jeff Truhlar (absent)

Board Members: John Moreland

Todd Smith (absent)

Jennifer Williams

Alternates: Matt Metz

Laura Tierney (absent)

Planner Danevsky Joseph, Senior Planner Christian Popoli, City Attorney David Migut, and Operations Support Specialist II Lauren Loria were also present.

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on July 2, 2024
- Regular Board of Adjustment Meeting held on July 16, 2024

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#24-100036**
Applicant/Owner: Hasteh LLC
Agent: Zach Miller Esq
Property Address: 1198 Beach Blvd
Parcel ID: 177502-0050

City of Jacksonville Beach Land Development Code Section(s): 34-377: for zero parking spaces in lieu of 13 new required spaces for a proposed expansion of outdoor seating with a total size of 3,200 square feet, and 34-377: for a reduction in existing parking spaces by 6 total spaces along the western side of the existing structure to be converted into outdoor seating, 34-343(e)(5) for 89% lot coverage in lieu of 85% for the removal of existing landscaping to accommodate the required 3 spaces for the existing approved outdoor seating of 800 square feet, located at property addressed 1198 Beach Blvd, RE# 177502- 0050, legally described as A Part of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East, Duval County Florida.

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

Planner Danevsky Joseph clarified the outdoor seating would not add any additional lot coverage.

Agent: Zach Miller, 3203 Old Barn Court, Ponte Vedra Beach, stated the hardship was the property parcel. Mr. Miller presented a PowerPoint [on file].

Discussion ensued about the variance standards, parking, lot coverage, and the Florida Department of Transportation (FDOT) lease.

Senior Planner Christian Popoli clarified information about the parking standards.

Public Hearing:

The following spoke in opposition to the variance:

- Michael Orr, 50 North Laura Street, Suite 1675, Jacksonville. Mr. Orr submitted a binder handout [on file].

Mr. Miller asked for the right to cross-examine the speaker. Chairperson Owen Curley denied the request.

- Joseph Pickles, 50 North Laura Street, Suite 1675, Jacksonville
- Brett Newkirk, Professional Engineer, 11329 Distribution Avenue West, Jacksonville, spoke on behalf of Orr Cook Law Firm

Mr. Miller asked for the right to cross-examine Mr. Newkirk. Mr. Curley denied the request.

- Randall Whitfield, 7880 Gate Parkway, Jacksonville
- Gabe Boeman, 7880 Gate Parkway, Jacksonville
- Ben Parry, 7880 Gate Parkway, Suite 300, Jacksonville
- J. Michael Traynor, 818 North Ponte Vedra Boulevard, Ponte Vedra Beach

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

- Tonino Di Bella, Jacksonville Beach

The following submitted a letter [on file] regarding the variance:

- Andrew Hofheimer

City Attorney David Migut explained the state law regarding an intervenor cross-examining. He recommended allowing cross-examination but deferred to the Board for a decision.

Discussion ensued about cross-examination. There was a consensus of the Board not to allow cross-examination.

Mr. Popoli clarified information related to the application.

Mr. Miller addressed objections expressed during the public hearing and answered questions from the Board.

Discussion ensued about outdoor seating, square footage of outdoor space, parking, the FDOT lease agreement, and the standards applicable to all variances.

Mr. Curley closed the public hearing.

Motion: It was moved by Ms. Williams, seconded by Mr. Moreland, to approve BOA#24-100036 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about amending the motion.

Motion to Amend: It was moved by Ms. Williams, seconded by Mr. Moreland, to amend the motion to approve BOA#24-100036 to be conditioned on the continuation of the lease agreement for the variance that was requested.

Discussion: A discussion continued about the lease agreement.

Motion to Amend Roll Call Vote: Ayes – John Moreland, Jennifer Williams, Matt Metz, and Owen Curley

The motion to amend passed unanimously.

Discussion: A discussion ensued about reasonable use and standards.

Amended Motion Roll Call Vote: Nays – Jennifer Williams, John Moreland, Matt Metz, and Owen Curley

The amended motion failed unanimously.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Wednesday, August 21, 2024, at 6:00 P.M. There are three scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

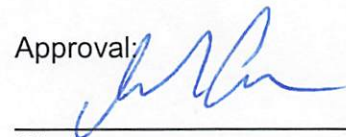
ADJOURNMENT:

There being no further business, the meeting adjourned at 7:16 P.M.

Submitted by: Lauren Loria
Operations Support Specialist II

These minutes were reviewed by Planning & Development.

Approval:



Chairperson

9-17-24

Date