

**Minutes of Board of Adjustment Meeting
held Tuesday, October 19, 2021, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson John Moreland called the meeting to order at 7:00 P.M.

ROLL CALL

Chairperson: John Moreland
Vice-Chairperson: Alexi Gonzalez
Board Members: Owen Curley Francis Reddington Jeff Truhlar
Alternate: Dan Elmaleh (absent)

Senior Planner Christian Popoli and Administrative Assistant Sheila Boman were also present.

EX PARTE COMMUNICATION: No ex-parte was reported.

APPROVAL OF MINUTES:

It was moved by Mr. Reddington, seconded by Ms. Gonzalez, and passed unanimously to approve the following minutes:

- October 5, 2021

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#21-100133**
Applicant: David Gatto
Agent: Bryan Green – One Eleven Construction
Owner: David Gatto
Property Address: 138 10th Avenue South
Parcel ID: 176150-0000

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.1, for a front yard setback of 1.7 feet in lieu of 20 feet minimum; and 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum to rectify existing nonconformities and attach a detached garage to the primary single-family residential dwelling.

Agent: Bryan Green, 3810 Tropical Terrace, Jacksonville Beach, advised they are trying to overcome existing non-conformities and attach the garage to the home with a yet to be determined structure, pending the outcome of the currently requested variance.

Senior Planner for the Planning and Development Department Christian Popoli noted based on an old survey, the setbacks were listed as 3.7 feet; a new survey was recently completed and showed the setbacks were only 1.7 feet which was one of the non-conformities to be rectified.

Applicant: David Gatto 138 10th Avenue South, Jacksonville Beach, clarified he was not requesting any additional lot coverage.

Public Hearing: The following spoke in opposition of the variance:

- Bobby Welton, 1032 1st Street South, Unit# 2, Jacksonville Beach

The following submitted emails (on file) in support of the variance:

- Daniel Fox White, 1026 2nd Street South, Unit A, Jacksonville Beach
- Cathy Sturms, 983 2nd Street South, Jacksonville Beach
- Michael Murtagh, 1026 2nd Street South, Unit B, Jacksonville Beach
- Terri Clemens, 1002 2nd Street South, Jacksonville Beach
- Aprille and Morgan County, 1004 2nd Street South, Jacksonville Beach
- Bobby Riggins, 130 10th Avenue South, Jacksonville Beach
- Lisa and Greg Phipps, 127 10th Avenue South, Jacksonville Beach
- Michelle O'Neal, 1026 2nd Street South, Unit A, Jacksonville Beach

Mr. Moreland closed the public hearing.

Discussion: Ms. Gonzalez asked for clarification of the lot's non-conformity. Mr. Popoli advised the width of the lot caused it to be substandard in size, which caused the non-conformity.

Motion: It was moved by Mr. Reddington, seconded by Ms. Gonzalez, to approve BOA#21-100140 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Amended Motion: It was moved by Mr. Curley, seconded by Ms. Gonzalez, to approve the variance under the condition it is limited to the drawings as submitted.

Roll Call Vote

To Amend Motion: Ayes – Owen Curley, Alexi Gonzalez, Francis Reddington, John Moreland

The motion was unanimously approved.

Roll Call Vote

Amended Motion: Ayes –Alexi Gonzalez, Francis Reddington, Jeff Truhlar, Owen Curley, John Moreland

The motion was unanimously approved.

B. Case Number: BOA#21-100148

Applicant: Shama Patel & Robert Burns III
Agent: Brian Messina – Aqua Design Jax, LLC.
Owner: Shama Patel & Robert Burns III
Property Address: 305 33rd Avenue South
Parcel ID: 180574-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for construction of a new swimming pool and pool deck to an existing single-family dwelling.

Applicant: Robert Burns III, 305 33rd Avenue South, Jacksonville Beach, stated the hardship was the size of the lot.

Public Hearing: No one came before the Board to speak on this matter.

Mr. Moreland closed the public hearing.

Discussion: Mr. Moreland stated if the lot was standard in size, lot coverage would only be 34.6%. The Board agreed the request was reasonable.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Truhlar, to approve BOA#21-100148, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Francis Reddington, Jeff Truhlar, Owen Curley, Alexi Gonzalez, John Moreland

The motion was unanimously approved.

C. Case Number: BOA#21-100149

Applicant: Lilyan Fleming
Agent: Howard Fleming
Owner: Lilyan Fleming
Property Address: 427 6th Street North
Parcel ID: 173879-0005

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.2, for a side-yard setback of 3 feet in lieu of 5 feet minimum; and 34-373(d) for a parking area setback of 3 feet in lieu of 5 feet minimum to allow for the construction of an attached carport to a single-family dwelling.

Applicant: Howard Fleming, 427 6th Street North, Jacksonville Beach, advised they were renovating a duplex into a single-family home and were advised by the Planning and Development Department the new home would require a parking structure. With the addition of the new garage, the driveway was pushed into the side-yard setback, which caused the hardship.

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

Mr. Moreland closed the public hearing.

Discussion: Discussion ensued, and the Board agreed this was a reasonable request.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Truhlar, to approve BOA#21-100149 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Jeff Truhlar, Owen Curley, Alexi Gonzalez, Francis Reddington, John Moreland

The motion was unanimously approved.

D. Case Number: BOA#21-100151

Applicant: Chuck Horn – Horn Builders, Inc.

Agent: N/A

Owner: Susan Dutson

Property Address: 25 33rd Avenue South

Parcel ID: 181532-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.3, for a rear yard setback of 14.5 feet in lieu of 30 feet minimum; 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; and 34-336(e)(1)g, for a swimming pool setback of 1.5 feet in lieu of 5 feet from the primary structure to allow for construction of a new single-family dwelling.

Applicant: Chuck Horn, 1st Street South, Jacksonville Beach, stated the lot was undersized at only 6,431 square feet and was also under the minimum width requirement, both of which contributed to the hardship.

Public Hearing: The following spoke in opposition of the variance:

- Christopher George, 39 33rd Avenue South, Jacksonville Beach
- Tom Richardson, 216 33rd Avenue South, Jacksonville Beach

The following was in opposition of the variance but did not wish to address the Board:

- Kim Spadaro, 32 32nd Avenue South, Jacksonville Beach

The following submitted letters (on file) in opposition of the variance:

- Christopher and Jaclyn George, 39 33rd Avenue, Jacksonville Beach
- Sean and Stephanie Crichton, 3300 1st Street South, Jacksonville Beach
- Tom and Linda Richardson, 217 33rd Avenue South, Jacksonville Beach
- Peter Schroeder, 183 33rd Avenue South, Jacksonville Beach
- Al and Theresa Chipperfield, 22 33rd Avenue South, Jacksonville Beach

- Bill and Mini Kincaid, 70 33rd Avenue, Jacksonville Beach
- Robert and Melissa Dykes, 132 33rd Avenue South, Jacksonville Beach
- James Cavanaugh, 44 32nd Avenue South, Jacksonville Beach

Nicholas Renard, Architect, 11651 Kingsley Manor Way, Jacksonville, and Mr. Horn addressed the concerns brought up by those in opposition.

Discussion: Discussion ensued, and the Board agreed the lot was drastically undersized.

Motion: It was moved by Mr. Curley, seconded by Ms. Gonzalez, to approve BOA#21-100151 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, Alexi Gonzalez, Jeff Truhlar, John Moreland
Nays – Francis Reddington

The motion was approved 4-1.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, November 2, 2021. There are six scheduled cases.

ADJOURNMENT

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

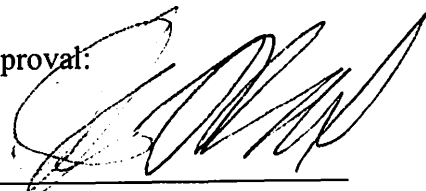
Submitted by: Sheila Boman
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



11/2/2021

2