

**Minutes of Board of Adjustment Meeting
held Tuesday, January 4, 2022, 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 (absent) Jeff Truhlar
Alternate: Dan Elmaleh

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

Mr. Moreland noted the passing of Board Member Francis Reddington. He spoke on Mr. Reddington's legacy with the Board.

Mr. Moreland noted the Board needed to change Officers and would have done so at the previous meeting, but a few Board members were not in attendance.

Mr. Popoli explained the election of officers was required to be noticed and the item would be placed on the January 19, 2022 meeting agenda.

APPROVAL OF MINUTES:

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

- December 8, 2021

CORRESPONDENCE:

Mr. Moreland noted the Board would reference the correspondence received when they heard each item.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: BOA#21-100171
Applicant/Owner: Cathleen M. Nowlin
Property Address: 720 11th Avenue South
Parcel ID: 176751-0013

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(2)f, for lot coverage of 42% in lieu of 35% maximum to replace a front gravel walkway with a paver walkway and add a rear paver patio to an existing two-family dwelling.

Applicant: Cathleen Nowlin, 720 11th Avenue South, Jacksonville Beach, noted the property is too small, which caused the hardship.

Ms. Gonzalez asked about the type of pavers Ms. Nowlin plans on using, which might impact the variance request if they were impervious.

Mr. Popoli stated her application was based on 100% non-pervious pavers.

Public Hearing: None.

Mr. Moreland closed the public hearing.

Discussion:

Mr. Curley asked for clarification about the lot coverage percentage.

Mr. Popoli responded there was never a variance granted for anything above 35%, but when the townhouse was completed, it was surveyed at 37%. He stated the previous variance was applied for before construction, and the intent was to build at 35%, but at completion, it was above 35%.

Motion: It was moved by Mr. Curley, seconded by Ms. Gonzalez to approve BOA#21-100171 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, Dan Elmaleh, John Moreland

The motion was unanimously approved.

B. Case Number: BOA#21-100172

Applicant: Julie Marco, Beaches Jet Set Pets, Inc.
Agent: Curtis Hart, Hart Resources, LLC.
Owner: David Marco, Mad Dog Land Holdings, LLC.
Property Address: 1181 10th Street South
Parcel ID: 176767-0000 & 176769-0000

City of Jacksonville Beach Land Development Code Section(s): 34-377 for zero off-street parking spaces in lieu of 17 required off-street parking spaces for an existing commercial business (dog kennel and training)

Agent: Curtis Hart, 8051 Tara Lane, Jacksonville, referenced the property photographs [on file] and noted the code was concerning the commercial building. He requested the variance be approved for the specific type of business, not the building. He stated the hardship was the required parking spaces for the lot.

Mr. Truhlar asked for clarification on the ten (10) parking spots and whether that was a different parcel.

Mr. Popoli referenced the aerial photographs and noted the plan includes images of two different properties by the same owner. He noted they have two different parking standards associated with the properties. He reviewed a brief history of the business, property, and parking spaces.

Discussion ensued about the parking areas and code enforcement.

Public Hearing:

The following submitted an email (on file) in opposition to the variance:

- Tony Komarek, 533 11th Avenue South, Jacksonville Beach

Mr. Moreland closed the public hearing.

Discussion:

Discussion ensued about future owners, change of use, and shared parking agreements.

City Attorney Sandra Robinson noted the code was written to uses and recommended limiting conditions to use, rather than a combination of use and ownership.

City Attorney Sandra Robinson clarified her recommendation was related to the requested variance only and not a shared parking agreement.

Motion:

It was moved by Mr. Curley, seconded by Ms. Gonzalez, to approve BOA#21-100172 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, under the following conditions: 1) there are two (2) parking spaces; 2) an additional ADA compliant parking space; 3) this is conditionally approved only as a dog training and boarding facility; and 4) the owner execute a shared parking agreement pursuant to Section 34-376 of the Land Development Code, which includes a non-transferrable provision, submitted to the Planning and Development Department within sixty (60) days, subject to review and approval.

Roll Call Vote: Ayes – Alexi Gonzalez, Jeff Truhlar, Owen Curley, Dan Elmaleh, John Moreland

The motion was unanimously approved as conditioned.

C. **Case Number:** **BOA#21-100176**
Applicant/Owner: Jeffrey Fields
Property Address: 1204 10th Street North
Parcel ID: 175152-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.2, for a northerly side-yard setback of 8.75 feet in lieu of 10 feet required, and 34-336(e)(1)d, for no accessible garage in lieu of a one-car garage required to allow for an addition and improvements to an existing single-family dwelling.

Applicant: Mr. & Mrs. Fields, 1204 10th Street North, Jacksonville Beach, stated the hardship was the non-conforming lot. Mr. Fields stated the second hardship was the need for more living space. He noted they would keep the garage structure for storage.

Public Hearing:

The following spoke in support of the variance:

- Angel Wilhelm, 1112 10th Street North, Jacksonville Beach

Mr. Moreland closed the public hearing.

Discussion: None

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Elmaleh, to approve BOA#21-100176 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, Dan Elmaleh, John Moreland

The motion was unanimously approved.

D. Case Number: **BOA#21-100086**
Applicant/Owner: Jesse M Boyles
Property Address: 104 10th Avenue North
Parcel ID: 174528-0040

City of Jacksonville Beach Land Development Code Section(s): 34-373(d) for a parking area setback of 1.25 feet in lieu of 5 feet minimum to allow for the expansion of an existing driveway at an existing two-family dwelling

Applicant: Mr. Boyles, 105 10th Avenue North, Jacksonville Beach, stated the hardship was the lot was too narrow and often crowded with beach parking. Mr. Boyles confirmed the pavers are permeable.

Public Hearing: None

Mr. Moreland closed the public hearing.

Discussion: None

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Curley to approve BOA#21-100086 based on the standards of a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Jeff Truhlar, Owen Curley, Alexi Gonzalez, Dan Elmaleh, John Moreland

The motion was unanimously approved.

E. Case Number: **BOA#21-100180**
Applicant/Owner: Carol Lombardo
Agent: Catherine Duncan, Loci Architects, LLC.
Property Address: 47 36th Avenue South
Parcel ID: 181479-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.1, for a front yard setback of 20.1 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for an easterly side yard setback of 5 feet and a westerly side yard setback of 6 feet each in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard setback of 15 feet in lieu of 30 feet required; 34-336(e)(1)e, for 50% lot coverage in lieu of 35% maximum; and 34-373(d), for a turf block driveway in lieu of a solid paved driveway, all to allow for construction of a new single-family dwelling and swimming pool

Agent: Catherine Duncan, 1942 Holly Oaks Lake Road East, Jacksonville, and Jennifer Pietschker, 834 South Shores Road, Jacksonville, stated the hardship was the existing dwelling, built in the 1950s, was already over the setbacks. She stated they could meet the rear setback if they detached the tiki hut in the back.

Mr. Truhlar inquired about the discrepancy in the application between 40% and the 50% lot coverage requested. Mr. Popoli and Ms. Duncan both clarified it had to do with the request for the turf block driveway. If the request was approved, it would push the lot coverage to 50%.

Mr. Moreland asked if they could reduce the lot coverage to 49.9% or below 50%.

Ms. Duncan responded she would be happy to work with the City to accommodate 49% lot coverage.

Public Hearing:

The following submitted letters and spoke in opposition to the variance:

- Alan Ditzel, 42 36th Avenue South, Jacksonville Beach
- Peter Lafser, 3507 1st Street South, Jacksonville Beach
- Brad Smith, 3516 1st Street South, Jacksonville Beach

The following submitted letters in opposition to the variance:

- Brad Smith, 3516 1st Street South, Jacksonville Beach
- Peter Lafser, 3507 1st Street South, Jacksonville Beach

Ms. Gonzalez read the following letters (on file) in opposition to the variance:

- Brad Sterling, 3510 1st Street South, Jacksonville Beach
- D'Ann Jackson, 3515 1st Street South, Jacksonville Beach

Mr. Moreland closed the public hearing.

Discussion:

Discussion ensued regarding the sloped shed roof and lot coverage.

Motion: It was moved by Mr. Curley, seconded by Ms. Gonzalez, to approve BOA#21-100180 as follows: an easterly side yard setback of 5 feet and a westerly side yard setback of 6 feet, 49% lot coverage and a turf block driveway.

Ms. Gonzalez noted the motion did not include language about the front yard setback, and she rescinded her second.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Elmaleh, to modify the original motion.

The motion was approved in a unanimous voice vote.

Amended Motion: It was moved by Mr. Curley, seconded by Ms. Gonzalez to amend the previous motion to include the front yard setback of 20.1 feet as shown on the submitted plans.

Discussion:

Discussion ensued regarding the front yard setback, possible encroachment, and the slope of the shed roof.

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

The amended motion was approved 4-1.

F. **Case Number:** **BOA#21-100184**
Applicant/Owner: John & Krista Miller
Property Address: 113 1st Street South
Parcel ID: 175586-0000

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.1, for a front yard setback of 7 feet in lieu of 20 feet required; 34-338(e)(1)c.2, for a southerly side yard setback of 2 feet and a northerly side yard setback of 3.7 feet in lieu of 5 feet required and total side yard setbacks of 5.7 feet in lieu of 15 feet required; and 34-338(e)(1)e, for lot coverage of 65.7% in lieu of 35% maximum to allow for improvements to an existing single-family dwelling

Applicant: John and Kristen Miller, 113 1st Street South, Jacksonville Beach, stated the hardship was the non-conforming lot and the tall structures on both sides of the dwelling.

Mr. Popoli confirmed the Applicant's records did not indicate any decision about lot coverage above 56%, and the 63% referenced in the staff report was from the property survey.

Public Hearing:

The following submitted a letter which was read into the record in support of the variance:

- Paul Kenny, 275 1st Street South, Apartment 604, Jacksonville Beach

Mr. Moreland closed the public hearing.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Truhlar to approve BOA#21-100184, based on the standards of a variance outlined in Section 34-286 of the Land Development Code, with the condition that all variances are tied to the existing structure.

Discussion: None

Roll Call Vote: Ayes – Jeff Truhlar, Owen Curley, Alexi Gonzalez, Dan Elmaleh, John Moreland

The motion was unanimously approved.

PLANNING DEPARTMENT REPORT

Mr. Popoli stated the election of officers would be held at the next meeting.

The next scheduled meeting is Wednesday, January 19, 2022. There are six scheduled cases. Mr. Truhlar advised he would not be in attendance.

ADJOURNMENT

There being no further business, Mr. Moreland adjourned the meeting at 9:12 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:


Chairperson

1/19/21
Date