

**Minutes of Board of Adjustment Meeting
held Tuesday, March 1, 2022, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Alexi Gonzalez called the meeting to order at 7:00 P.M.

ROLL CALL

Chairperson: Alexi Gonzalez

Vice-Chairperson: Owen Curley

Board Members: Dan Elmaleh

Jeff Truhlar (absent)

John Moreland

Alternates: Todd Smith

Jennifer Williams

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

APPROVAL OF MINUTES:

It was moved by Mr. Curley, seconded by Mr. Elmaleh, and passed unanimously to approve the following minutes:

- February 1, 2022

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

- February 15, 2022

Ms. Gonzalez provided an overview of the meeting procedures.

CORRESPONDENCE: None

OLD BUSINESS:

A. Case Number: BOA#21-100191
Applicant/Owner: David Merritt
Property Address: 1339 Pinewood Lane
Parcel ID: 178286-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.1 for a front yard setback of 15 feet in lieu of 25 feet minimum to allow for construction of a new single-family dwelling.

Ex-Parte Communication: None

Applicant: David Merritt, 1704 Girvin Road, Jacksonville, clarified his application and said he still planned to adhere to the 25 feet minimum setback. He stated the application was incorrect. He said he was asking for a variance for two house corners to go over the building lot line.

A discussion ensued about the lot line request and the shaded area on the site plan.

Public Hearing:

The following submitted an email in opposition of the variance which was read into the record:

- Don Jacobs, 327 7th Avenue North, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Mr. Popoli reiterated the application details and reviewed the site plan.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland to re-open the Public Hearing.

In a voice vote, the motion was unanimously approved.

Mr. Merritt said he would be willing to go with the 15 feet setback indicated on the application.

Mr. Popoli confirmed the request would still be for a front yard setback of 15 feet in lieu of 25 feet minimum.

A discussion ensued regarding the hardship, footprint, and the applicant's correspondence with neighbors.

Ms. Gonzalez closed the second public hearing.

Discussion:

A discussion ensued regarding the odd shape of the lot, visibility of corners and driveways, and code violations.

Motion: It was moved by Mr. Moreland, seconded by Mr. Smith, to deny BOA#21-100191 based on the testimony provided and no demonstrated hardship.

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

The motion to deny the application failed 2-3.

Motion: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to approve BOA#21-100191 based on the testimony and evidence provided the request has met the standards for a variance outlined in Section 34-286 of the Land

Development Code and conditionally approved as reflected on the submitted site plan.

Motion to Amend: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to amend the motion so the Board would be conditionally approving the application based on the submitted request and not the site plan.

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

Restated Motion: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to approve BOA#21-100191 based on the testimony and evidence provided the request has met all the standards for a variance outlined in Section 34-286 of the Land Development Code and conditioned upon the submitted request for 15 feet setback in lieu of 25 feet minimum and not the site plan.

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

The motion passed 3-2.

NEW BUSINESS:

A. **Case Number:** **BOA#22-100006**
Applicant: Christopher S. Moale
Owner: OGM Homes, LLC
Property Address: 435 10th Place South
Parcel ID: 176424-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e for lot coverage of 43% in lieu of 35% maximum; and 34- 337(e)(1)d for no garage or carport in lieu of a one-car garage or carport for a single-family dwelling of 1,134 square feet in lieu of 1,200 square feet minimum, to allow for construction of a shed/workshop and rectify existing non-conformities at an existing single-family dwelling.

Ex-Parte Communication: None

Applicant: Christopher Moale, 14079 Carson Court, Jacksonville, stated the hardship was a nonconforming lot.

Public Hearing: None.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Curley to approve BOA#22-100006, under the condition based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None.

Roll Call Vote: Ayes – Dan Elmaleh, John Moreland, Owen Curley, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

B. Case Number: BOA#22-100007

Applicant: Geneva Henderson
Owner: Geneva P Henderson Living Trust
Property Address: 664 Bonaire Circle
Parcel ID: 180949-1250

City of Jacksonville Beach Land Development Code Section(s): Ordinance 2002-7843 Ocean Cay PUD for lot coverage of 50% in lieu of 45% maximum to allow for construction of a new addition to an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item. Mr. Curley did note this property was located within his neighborhood, but he has not discussed this item.

Applicant: Geneva Henderson, 664 Bonaire Circle, Jacksonville Beach, noted Ocean Cay was a PUD (Planned Urban Development) and stated the hardship was an undersized lot. She submitted three letters [on file] in support of the variance from her neighbors.

A discussion ensued about the PUD's review process.

Ms. Gonzalez shared the Board's decision could not be contingent upon the HOA or neighborhood governing body's decision or recommendation.

Mr. Popoli confirmed Ms. Gonzalez's statement.

Public Hearing:

Mr. Curley summarized letters from the following [on file] submitted in support of the variance:

- Caty & Kyle Southall, 656 Bonaire Circle, Jacksonville Beach
- Joseph & Francis Rodriguez, 672 Bonaire Circle, Jacksonville Beach
- Nikki Smith, 681 Bonaire Circle, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#22-100007, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Ms. Gonzalez said the hardship of the property was noted in the staff report, and the issue of growing families and work from home circumstances were not criteria they could make decisions on.

Roll Call Vote: Ayes – Dan Elmaleh, John Moreland, Owen Curley, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

C. **Case Number:** **BOA#22-100008**
Applicant/Owner Brent & Jen Starzacher
Property Address: 15 Millie Drive
Parcel ID: 179601-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.2, for a corner side-yard setback of 5 feet in lieu of 18 feet minimum; 34-337(e)(1)e, for lot coverage of 37% in lieu of 35% maximum; and 34-373(f) for use of turf block pavers in lieu of a required paved driveway to allow for construction of a new two-car garage addition to an existing single-family dwelling.

Ex-Parte Communication: None.

Applicant: Brent and Jen Starzacher, 15 Millie Drive, Jacksonville Beach, stated the hardship was a nonconforming lot. He said they would like to improve the functionality of the property. He stated the garage would be attached by a breezeway and closer to the house.

A discussion ensued regarding setbacks.

The applicant provided a site plan [on file].

Public Hearing:

The following submitted an email in opposition of the variance which was read into the record:

- Erica Morrison, Jacksonville Beach

Mr. Starzacher noted the neighbors they spoke to did not have any objections. He said the traffic on Millie Drive did not affect their entrance on 7th Street.

A discussion ensued about the size of the garage.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#22-100008, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion ensued regarding setbacks and site lines, the garage, and requesting accurate numbers on site plans.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Dan Elmaleh, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

PLANNING DEPARTMENT REPORT

The next scheduled meeting was Tuesday, March 15, 2022. There were six scheduled cases.

COURTESY OF THE FLOOR TO VISITORS

None.

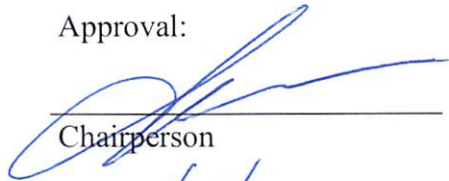
ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 8:17 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:


Chairperson

3/15/22
Date