

**Minutes of Board of Adjustment Meeting
held Tuesday, April 5, 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 (absent)

Board Members: Dan Elmaleh (absent)

Jeff Truhlar

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

- March 15, 2022

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: BOA#22-100020

Applicant: Mr. Jean Bakkes

Owner: Marshpoint Multi Family One, LLC. - Jean Bakkes

Property Address: 220 5th Avenue South

Parcel ID: 175964-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.1, for a front yard setback of 15 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for an easterly side yard of 9 feet in lieu of 10 feet minimum and a westerly corner side yard of 10 feet in lieu of 20 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 17 feet in lieu of 30 feet minimum; 34-340(e)(3)d.1, 2 & 3, for dwelling units that reflect the existing sized units in lieu of the required minimum size; and 34-377 for zero parking spaces in lieu of two required spaces per unit all to rectify existing non-conformities of an existing multi-family dwelling.

Ex-Parte Communication: None.

Applicant: Jean Bakkes, 2009 Marshpoint Road, Neptune Beach, stated the building was constructed before the Land Development Code and didn't currently meet setback requirements, minimum side requirements, or have enough parking as required by the Code.

A discussion ensued regarding the intent of variance for insurance or renovations, the aerial photograph, and parking.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#22-100020, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Amended Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#22 100020, based on the standards for a variance outlined in Section 34-286 of the Land Development Code, under the condition the variance carries with the current structure only.

Roll Call Vote: Ayes – John Moreland, Jeff Truhlar, Todd Smith, Jennifer Williams, Alexi Gonzalez

The amended motion was unanimously approved.

Roll Call Vote: Ayes – John Moreland, Jeff Truhlar, Todd Smith, Jennifer Williams, Alexi Gonzalez

The original motion, as amended, was unanimously approved.

B. Case Number: BOA#22-100021

Applicant: Mr. Jean Bakkes

Owner: Marshpoint Multi Family One, LLC - Jean Bakkes

Property Address: 207 9th Avenue North

Parcel ID: 174533-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.1, for a front yard setback of 14 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for an easterly corner side yard setback of 9 feet in lieu of 20 feet minimum and a westerly side yard setback of 7 feet in lieu of 10 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 7 feet in lieu of 30 feet minimum; 34-340(e)(3)d.1,2 & 3, for dwelling units that reflect the existing sized units in lieu of the required minimum size; and 34-377 for zero parking in lieu of two required spaces per unit to rectify existing nonconformities of an existing multi-family dwelling.

Ex-Parte Communication: None.

Applicant: Jean Bakkes, 2009 Marshpoint Road, Neptune Beach, stated the building was constructed before the Land Development Code and didn't currently meet setback requirements,

minimum side requirements, or have enough parking as required by the Code. He stated the requested variance addresses the existing non-conformities, similar to the previous application discussed.

Discussion ensued regarding future renovations and intent of variance for insurance purposes.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#22-100021, based on the standards for a variance outlined in Section 34-286 of the Land Development Code, under the condition the variances carry with the current structure only.

Discussion: None

Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion was unanimously approved.

C. Case Number: **BOA#22-100022**
Applicant: Eric Griggs
Owner: For His Ultimate Glory, LLC. - Eric Griggs
Property Address: 134 1st Street South
Parcel ID: 175603-0000

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.1, for a front yard setback of 10 feet in lieu of 20 feet minimum; 34-338(e)(1)c.2, for a corner side yard of 0 feet in lieu of 10 feet minimum and a combined side yard of 5 feet in lieu of 15 feet minimum; 34-338(e)(1)c.3, for a rear yard of 20 feet in lieu of 30 feet minimum; and 34-338(e)(1)e, for lot coverage of 58% in lieu of 35% maximum to allow for construction of a new single family dwelling.

Ex-Parte Communication: None.

Applicant: Eric Griggs, 932 1st Street North, Jacksonville Beach, stated the hardship was a nonconforming lot. He noted his attempt to build a multifamily dwelling, but he could not meet the parking requirement.

Public Hearing:

The following spoke in support of the variance:

- Ben Rubin, 126 1st Street South, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#22-100022, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion was unanimously approved.

D. Case Number: **BOA#22-100023**
Applicant: Tom & Penny Yamamoto
Agent: Daniel Romano
Owner: Kato Maki Trust
Property Address: 902 3rd Avenue North
Parcel ID: 173852-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.1, for a front yard setback of 14 feet in lieu of 20 feet minimum to rectify existing non-conformities at an existing single-family dwelling.

Ex-Parte Communication: None.

Applicant: Daniel Romano, 1188 12th Street North, Jacksonville Beach, stated the hardship was a nonconforming lot.

Discussion ensued regarding the footprint and existing structures; it was confirmed the existing footprint would remain, and all structures within five feet would be removed.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#22-100023, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Roll Call Vote: Ayes –John Moreland, Jeff Truhlar, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion was unanimously approved.

E. Case Number: **BOA#22-100024**
Applicant/Owner: Janet S South
Property Address: 1118 Ruth Avenue
Parcel ID: 179937-0100

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 52% in lieu of 35% maximum; 34- 337(e)(1)g, for accessory structure setbacks of 1 foot, 0 feet, and 4 feet in lieu of 5 feet minimum from the southern, western and eastern property lines to rectify non-conformities of an existing concrete swimming pool deck; 34-373(d), for an off-street parking area setback of 0 feet in lieu of 5 feet minimum to expand the existing driveway; and 34-392(a)(1), for paver walkways of 0 feet in lieu of 2 feet minimum from the western and eastern property lines to construct new walkways and allow for improvements to a developed single-family property.

Ex-Parte Communication: None.

Applicant: Janet South, 1188 Ruth Avenue, Jacksonville Beach, stated the hardship was a substandard lot.

Discussion ensued regarding materials such as pavers and reducing lot coverage to 50%. The Applicant noted the site plan was incorrect; the driveway would not go to the property line.

Mr. Popoli noted, with the current plans and the pool deck, the lot coverage was just over 50%, but it did not include the pavers. The Applicant confirmed the purchased pavers were not permeable.

Public Hearing:

The following spoke in opposition to the variance:

- Ken Phillips, 1066 Ruth Avenue, Jacksonville Beach
- Richard Woody, 1818 Horn Street, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#22-100024, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Discussion ensued regarding future variances for the driveway if the applicant was denied.

Discussion ensued with City Attorney Sandra Robinson about how to make the motion for this item. Mr. Truhlar withdrew his motion. A consensus was reached to allow Mr. Truhlar to withdraw his motion.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#22-100024, based on the standards for a variance outlined in Section

34-286 of the Land Development Code, under the condition the lot coverage would not exceed 50%.

Discussion: None

Roll Call Vote: Ayes – John Moreland
Nays – Jeff Truhlar, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion failed 4-1.

Amended Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#22-100024, based on the standards for a variance outlined in Section 34-286 of the Land Development Code, for lot coverage of 50.8% in lieu of 35% maximum; 34- 337(e)(1)g, for accessory structure setbacks of 1 foot, 0 feet, and 4 feet in lieu of 5 feet minimum from the southern, western and eastern property lines to rectify non-conformities of an existing concrete swimming pool deck.

Discussion:

Ms. Gonzalez clarified the amended motion permits the applicant to maintain the lot percentage that she currently had. It would also bring her nonconforming pool deck into conformity.

Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion, as amended, was approved.

F. Case Number: **BOA#22-100025**
Applicant/Owner: Shaun Guske
Agent: Bob Hamil - Henderson Pools
Property Address: 815 17th Avenue North
Parcel ID: 175211-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 46% in lieu of 35% maximum to allow for construction of a new swimming pool deck and widening of the existing driveway at an existing single-family dwelling.

Ex-Parte Communication: None.

Applicant: Bob Hamil, 725 McCullough Circle, Neptune Beach, stated the hardship was a substandard lot.

A brief discussion ensued about the carport referenced in the staff report and the driveway.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Smith, to approve BOA#22-100025, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion was unanimously approved.

PLANNING DEPARTMENT REPORT

The next scheduled meeting was Tuesday, April 19, 2022. There were five scheduled cases.

Mr. Popoli said the committee selected a consultant to start a Land Development Code review. The goal would be to start the process in May 2022 and have public input in Summer 2022. He anticipated the process to take approximately 18 months.

COURTESY OF THE FLOOR TO VISITORS

Rich (no last name provided) asked about the rejection rate of the Board. He also suggested asking whether variances are requested due to the property being used for short-term vacation rentals.

A discussion ensued, explaining it was outside the purview of the Board to inquire about property use and short-term vacation rentals are permitted with the proper permit. The Speaker was referred to City Council.

ADJOURNMENT

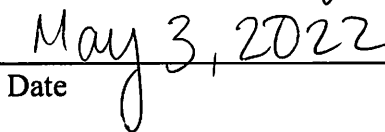
There being no further business, Ms. Gonzalez adjourned the meeting at 8:18 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:


Chairperson


Date