

**Minutes of Board of Adjustment Meeting
held Tuesday, April 19, 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 (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: None

CORRESPONDENCE: None

OLD BUSINESS:

A. Case Number: BOA#22-100012

Applicant: New Atlantic Builders, Inc

Agent: Stephen B. Williams

Owner: DaveCar Investments, LLC. / Daryl Grubbs

Property Address: 'O' 12th Avenue South

Parcel ID: 176191-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-340(e)(1)c.2, for a side yard setback of 7.5 feet in lieu of 10 feet minimum; and 34-340(e)(1)f, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new two-family dwelling.

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

Agent: Stephen Williams, 3731 Duval Drive, Jacksonville Beach, stated the hardship was the substandard width of the property.

A discussion ensued regarding building a smaller structure, a three-family unit structure, and rezoning.

Senior Planner Christian Popoli clarified that they would not be able to do three units based on the lot size regardless of their density limit. He further explained the Code allows for a two-unit multifamily, but they would be limited to condominiums or apartments versus a two-family dwelling.

Public Hearing:

The following spoke in opposition to the variance:

- Bill Black, 1221 ½ 1st Street South, Jacksonville Beach
- Bruce Wouters, 126 12th Avenue South, Jacksonville Beach

The following spoke in support of the variance:

- Davis Willis, 1221 1st Street South, Jacksonville Beach

The following submitted an email in opposition to the variance:

- David Rost 1224 1st Street South, Unit 1B, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Mr. Williams clarified the March 15, 2022, deferral was due to a handwritten error on the application concerning lot coverage. He addressed the email from Mr. Rost.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100012, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Discussion ensued about lot coverage.

Mr. Popoli reconfirmed the Land Development Code, lot size, density, and the number of units possible.

Mr. Curley noted the design created hardship.

Amended Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve a side yard setback of 7.5 feet in lieu of 10 feet minimum only.

Roll Call Vote on Amended Motion: Ayes – John Moreland, Owen Curley, Jeff Truhlar, Todd Smith, Alexi Gonzalez.

The amended motion was unanimously approved.

Discussion: None

Restated Amended Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100012 for a side yard setback of 7.5 feet in lieu of 10 feet minimum and not approve lot coverage of 50% 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, Owen Curley, Jeff Truhlar, Todd Smith, Alexi Gonzalez

The original motion, as amended, was unanimously approved.

NEW BUSINESS:

A. **Case Number:** **BOA#22-100026**
Applicant: Hanna Builders Properties, LLC.
Agent: Mike Hanna
Owner: HBP 01, LLC.
Property Address: 1637 7th Street South
Parcel ID: 179816-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 45% in lieu of 35% maximum to allow for construction of a new paver driveway to replace wheel strips at an existing single-family dwelling.

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

Applicant: Mike Hanna, 134 6th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot. He noted he was seeking 45% in lieu of 42.7% and not 35%. He reviewed the additional 2 handouts [on file] he distributed to the Board. Mr. Hanna described his drainage and flooding issues.

A discussion ensued about the original lot coverage variance, pavers, and bricks.

Mr. Hanna spoke about the additional alley discovered at the back of his property and how it affected the setbacks.

Public Hearing:

The following spoke in opposition to the variance:

- Scott Hardy, 1620 6th Street South, Jacksonville Beach
- Tony Davenport, 55 Tallwood Road, Jacksonville Beach

The following spoke in support of the variance:

- Jason Favale, 1631 7th Street South, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100026 for lot coverage of 44.92% in lieu of 35% based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Mr. Popoli confirmed the applicant was required to provide paved access, and gravel was not considered sufficient. Discussion ensued about the paving material and lot coverage approved under the previous variance.

Roll Call Vote: Ayes – None
Nays – John Moreland, Jeff Truhlar, Owen Curley, Todd Smith, Alexi Gonzalez

The motion failed 5-0.

B. Case Number: **BOA#22-100028**
Applicant/Owner: KEEE Holdings, LLC., Jeffrey Kendall
Property Address: 121 10th Avenue North
Parcel ID: 173965-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(1)c.1 for a front yard setback of 18 feet in lieu of 20 feet minimum and 34-340(e)(1)c.2, for an easterly side yard of 8 feet in lieu of 10 feet minimum to allow for the addition of an extended side and front deck and staircase at an existing two-family dwelling.

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

Applicant: Jim Penman, 1210 10th Avenue North, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:
No one came forth to speak on this item. Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100028, 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, Owen Curley, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

C. Case Number: **BOA#22-100029**
Applicant/Owner: Holly & Robert Robertson
Property Address: 1101 13th Street North
Parcel ID: 179151-0060

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.2, for a northern side yard setback of 1 foot in lieu of 5 feet minimum and a combined side yard setback of 8 feet in lieu of 15 feet minimum; 37-337(e)(1)c.3, for a rear yard setback of 25 feet in lieu of 30 feet minimum; 34-337(e)(1)e, for lot coverage of 52% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 1 foot in lieu of 5 feet minimum to rectify existing non-

conformities and allow for the enclosure of an existing screened room at an existing single family dwelling.

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

Applicant: Holly Robertson, 1101 13th Street North, Jacksonville Beach, stated the hardship was a nonconforming lot. Ms. Robertson confirmed they were not adding the sunroom as additional space but wanted to repair the current enclosure.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar to approve BOA#22-100029, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Mr. Popoli acknowledged he had misread the application and noted the current glass enclosure.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Jeff Truhlar, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

D. Case Number: **BOA#22-100030**
Applicant/Owner: Michael & Lauren Garcia
Property Address: 527 15th Avenue South
Parcel ID: 176874-0010

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 60% in lieu of 35% maximum and 34-337(e)(1)g, for a walkway setback of 0 feet in lieu of 2 feet minimum to allow for the addition of a paver walkway on the west side yard and a swimming pool deck to an existing single-family dwelling.

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

Applicant: Michael Garcia, 527 15th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:

The following submitted an email in support of the variance:

- Jeff Sandals, 501 15th Avenue South, Unit 1B, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#22-100030, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion

A discussion ensued regarding excessive lot coverage.

Mr. Popoli addressed the setback issue and confirmed the existing shed and cabana would remain.

Roll Call Vote: Ayes – None
Nays – John Moreland, Owen Curley, Jeff Truhlar, Todd Smith, Alexi Gonzalez

The motion failed 5-0.

E. **Case Number:** **BOA#22-100024**
Applicant: Sara Rocco
Owner: 1415 3rd St. LLC., Rock Investments Holdings Co., LLC., Sara Rocco
Property Address: 1415 3rd Street North
Parcel ID: 174681-0000

City of Jacksonville Beach Land Development Code Section(s): 34-373, for 12 parking spaces in lieu of 30 required to allow for the conversion of an existing commercial retail space to a salon.

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

Agent: Michael Byrd, 3855 Arrow Point Trail West, Jacksonville, stated the hardship was the building was built as is, and the current owner would like to convert the use to a different occupancy classification. He added the parking lot did not have a dumpster location or handicapped-accessible parking spaces.

A discussion ensued regarding potential options to account for the parking challenge.

Public Hearing:

The following spoke in opposition to the variance:

- Tony Davenport, 55 Tallwood Road, Jacksonville Beach

The following spoke in support of the variance:

- Scott Simmons, 711 15th Avenue South, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar to approve BOA#22-100031, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion ensued regarding the parking shortage. Mr. Popoli provided an overview of parking standards.

Roll Call Vote:

Ayes – None

Nays – Owen Curley, Jeff Truhlar, John Moreland, Todd Smith, Alexi Gonzalez

The motion failed 5-0.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, May 3, 2022. There are six scheduled cases.

Mr. Popoli stated City Council approved negotiations with a consultant for the Comprehensive Plan and Land Development Code update project.

Ms. Gonzalez asked about changing the start time of the future meetings. Ms. Robinson said she would research the topic and bring it back for discussion at a future Board of Adjustment Meeting.

COURTESY OF THE FLOOR TO VISITORS

Michael Garcia asked about the following steps to move forward concerning his case that was denied. Mr. Popoli invited Mr. Garcia to speak with him directly.

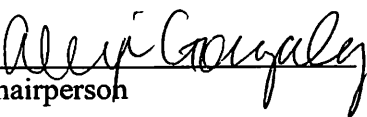
ADJOURNMENT

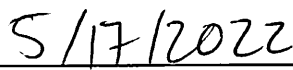
There being no further business, Ms. Gonzalez adjourned the meeting at 9:01 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:


Chairperson


Date