

**Minutes of Board of Adjustment Special Meeting
held Tuesday, July 12, 2022, at 6:00 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 6:00 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, Attorney Brenna Durden, and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES: None

CORRESPONDENCE:

Senior Planner Christian Popoli noted an email was sent to the Board prior to the meeting and an additional letter [on file] was on the dais.

OLD BUSINESS: None

NEW BUSINESS:

- A. Receive public comment, discuss, consider, and take action, as appropriate, on the Section 70.51 Special Magistrate's Report and Recommendation related to Oceanfront at 10th, LLC (for property addressed 22 10th Avenue South, RE# 176143-0000, legally described as Lot 1, Block 101, Pablo Beach South).

City Attorney Sandra Robinson summarized Section 70.51, Florida Statutes, and the City requirements and process.

Ex-Parte Communication:

Mr. Moreland and Mr. Curley both disclosed they received telephone calls from Mr. Richard Johnston about meeting individually, and both declined the request.

The other Board members had no ex-parte communication.

The applicant's attorney, Lee Kellison, asked for clarification on the procedure and requested public comment be limited to the Special Magistrate's Report. Ms. Gonzalez reviewed the typical meeting procedures.

Attorney Brenna Durden of Lewis, Longman & Walker P.A. stated she represented the City of Jacksonville Beach.

A consensus was reached to permit the applicant to present first.

Agent:

Lee Kellison, 599 Atlantic Boulevard, Suite 4, Atlantic Beach, submitted copies of Section 70.51 of the Florida Statutes and the Special Magistrate's Curriculum Vitae (CV) to the Recording Secretary. Mr. Kellison highlighted areas of Section 70.51 and the Special Magistrate's Report. He summarized the applicant's position and asked the Board to accept the Special Magistrate's report and grant the applicant the variance.

Applicant:

Richard Johnston, 3528 Ocean Drive South, Jacksonville Beach, provided additional comments on his position, requesting approval of the variance.

City:

Ms. Durden, 245 Riverside Avenue, Suite 510, Jacksonville, noted the recommendation in the staff report was to reject the Special Magistrate's findings. She summarized the case and reviewed the Land Development Code. Ms. Durden reiterated the City's position and requested the Board reject the Special Magistrate's Report and uphold the Board's decision from January 19, 2022.

Public Hearing:

Ms. Gonzalez opened the public hearing.

The following spoke in opposition to the variance:

- Bobby Welton, 1032 1st Street South, #2, Jacksonville Beach
- Jessica Franzini, 1031 1st Street South, #808, Jacksonville Beach

The following spoke and submitted a letter [on file] in opposition to the variance:

- Leah Tahiry, 1031 1st Street South, #907, Jacksonville Beach

The following submitted a group letter [on file] in opposition of the variance:

- Costa Verano Condominium Association Inc., Board of Directors, 1031 1st Street South, Jacksonville Beach

The following spoke in support of the variance:

- Yael Carlton, 2912 Abaco Lane, Jacksonville Beach

Mr. Johnston responded to the City's position and addressed concerns. Mr. Johnston submitted a survey to the Recording Secretary [on file].

Joe Van Rooy, 9471 Baymeadows Road, Suite 103, Jacksonville, addressed the setbacks and the project.

A discussion ensued about the minimum width and square footage of townhomes, the property footprint, requested variance, and code requirements.

Ms. Gonzalez closed the public hearing.

Ms. Durden outlined the motion options and confirmed a simple majority is needed. Mr. Kellison read the options directly from Section 70.51 of the Florida Statutes.

Motion: It was moved by Mr. Curley, and seconded by Mr. Truhlar, to reject the Special Magistrate's Report and Recommendation in the Section 70.51 Florida Statutes proceeding initiated by Oceanfront at 10th LLC, following the City of Jacksonville Beach's Board of Adjustment's denial of its application for Variance BOA #21-100193.

Discussion:
A discussion ensued about the original decision and the criteria.

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

The motion passed unanimously.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, July 19, 2022. There are four scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

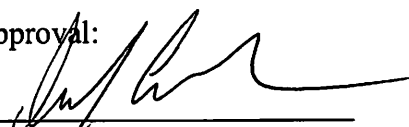
ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 8:34 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:


Vice Chairperson

8-2-2022
Date