

Minutes of Board of Adjustment Meeting  
held Tuesday, December 4, 2012 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida



### **Call to Order**

The meeting was called to order by Chairman Buck.

### **Roll Call**

Tom Buck, Chairman  
Josh Corey  
Bobby Jolley  
Joseph Loretta, Vice-Chairman  
John Moreland

Alternates:

Mike Gallimore *Absent*  
Sylvia Osewalt

### **Purpose and Ex-Parte Statement**

Mr. Buck read the following statement into the record:

“These variance applications are before the Board of Adjustment for public hearing and consideration. A variance is an approved deviation from the terms of the LDC that will not be contrary to the public interest when owing to special circumstances or conditions where the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Under the laws of the State of Florida, a public hearing for a zoning variance application is handled as a “quasi-judicial” proceeding. A quasi-judicial proceeding means that the decision-making group is functioning in a manner similar to a court with the voting members sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue under consideration. It is the duty of the Board of Adjustment to arrive at sound decisions. This includes receiving citizen input regarding the effect of the variance on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. If the applicant is successful in showing consistence, then it is up to the Board of Adjustment to produce competent, substantial evidence of record to the contrary, if the application is to be denied. The Board of Adjustment’s decision

on a variance application is to be based on the criteria contained in Section 34-286 of the Land Development Code. Each member of the Board of Adjustment has been provided a copy of the criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

“Before opening the meeting and requesting a motion on any of the applications before us this evening, beginning with myself, each of the members is requested to indicate for the record both the names of the persons and the substance of any ex-parte communications regarding any of the applications. An ex-parte communication refers to any meeting or discussion with person or citizen who may have an interest in this decision, which occurred outside of public hearing process.”

Mr. Jolley stated that he spoke with Mr. Rice regarding BOA 12-100166.

There were no other ex-parte communications disclosed by the board members.

### **Approval of Minutes**

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the minutes for the October 2, 2012, November 7, 2012 and November 20, 2012 meetings as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **(A) Case Number: BOA 11-100156**

**Name of Applicant:** Ralph Bennett

**Property Address:** 111 8<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a side yard total of 10.5 feet in lieu of 15 feet minimum required, and for 44% lot coverage in lieu of 35% maximum to allow for a new zero lot line detached single-family dwelling and accessory building.

#### **Applicant:**

The applicant, Mr. Ralph Bennett, 690 Simca Drive, Jacksonville, FL, stated that since the lot is severely irregular, building a desirable home has become more difficult. This is

why he is asking for the variance. In order to accommodate the accessory structure as well as the garage, the side yard setbacks are needed as well as the zero lot line.

Mr. Loretta asked Mr. Bennett if this was the least amount of lot coverage he needed for his property.

Mr. Bennett replied yes, it was the least amount.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued resulting in an amended motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, for a request for a side yard total of 10.5 feet in lieu of 15 feet minimum required, and for 44% lot coverage in lieu of 35% maximum to allow for a new zero lot line detached single-family dwelling and accessory building as shown and submitted.

**Roll call vote:** Ayes – Moreland, Corey, Jolley, Loretta, and Buck; amended motion passed with a unanimous vote.

**(B) Case Number: BOA 11-100164**

**Name of Applicant:** Taffy Cook

**Property Address:** 3825 Tropical Terrace

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 47% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

Mr. Hays presented a letter from the applicant asking for a continuance until the next meeting on December 18, 2012.

**(C) Case Number: BOA 11-10066**

**Name of Applicant:** Darshan Woods

**Property Address:** 21 10<sup>th</sup> Avenue North

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 2.2 feet in lieu of 20 feet required, for a

corner side yard of 2.4 feet in lieu of 10.6 feet required, and a side yard of 5.3 feet in lieu of 10 feet required , for a double front yard of 10 feet in lieu of 20 feet required, for a two bedroom dwelling unit of 864 square feet in lieu of 900 feet square feet minimum, for one off-street parking space of 10 feet in depth in lieu of 17 feet minimum required, all to allow for a new multifamily use of the property, and to ratify existing non-conformities, 47% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

**Applicant:**

The applicant, Darshawn Woods, 1126 1<sup>st</sup> Street North, Jacksonville Beach, stated that his hardship is due to the lot size being substandard in size. Mr. Woods explained that he would like to construct a Mother-in-Law Suite in the rear of the property. The house would be an accessory structure connected by a breezeway. The home will be 2 bedrooms and one bath.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following people spoke in opposition to the application:

Maria Turner, 11 13<sup>th</sup> Street, Jacksonville Beach  
Resident, 1110 Raines Street, Jacksonville Beach

Seeing no one else who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued about the property having a hardship due the lot size being substandard, however, Mr. Loretta amended the motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for a front yard of 2.2 feet in lieu of 20 feet required, for a corner side yard of 2.4 feet in lieu of 10.6 feet required and a side yard of 5.3 feet in lieu of 10 feet required, for a double front yard of 10 feet in lieu of 20 feet required, for a two bedroom dwelling unit of 864 square feet in lieu of 900 feet square feet minimum, for one off-street parking space of 10 feet in depth in lieu of 17 feet minimum required, all to allow for a new multifamily use of the property, and to ratify existing non-conformities, 47% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling, as shown and submitted limited to a single story structure.

**Roll call vote:** Ayes – Moreland, Corey, Jolley, Loretta, and Buck; amended motion passed with a unanimous vote.

**(D) Case Number: BOA 11-100167**

**Name of Applicant:** Bottom Line Ventures

**Property Address:** 3976 Palm Way

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a side yard of 7 feet and a corner side yard of 8 feet in lieu of 10 feet and 11 feet respectively, to allow for a new single family dwelling.

Tim Mallard, 2301 11<sup>th</sup> Avenue North, Jacksonville Beach, stated that his hardship is due to the substandard size of the lot. Mr. Mallard reported that he will be with the 35% lot coverage maximum, however, will be impeding on the side yard setbacks.

Mr. Loretta asked Mr. Mallard about the dimensions of the garage.

Mr. Mallard stated that this [garage] will be 16 feet wide by 22 feet deep.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued resulting with an amended motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for a request for a side yard of 7 feet and a corner side yard of 8 feet in lieu of 10 feet and 11 feet respectively to allow for a new single-family dwelling with a garage dimension of 20 ft. X 22 ft. minimum.

**Roll call vote:** Ayes – Moreland, Corey, Jolley, Loretta, and Buck; amended motion passed with a unanimous vote.

**(E) & (F) Case Number: BOA 11-100168 & BOA 12 - 100169**

**Name of Applicant:** Bottom Line Ventures

**Property Address:** 3970 Palm Way & 3964 Palm Way

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve

a request for side yards of 8 feet in lieu of 10 feet required to allow for a new single-family dwelling.

Applicant:

The applicant, Tim Mallard, 2301 11<sup>th</sup> Avenue North, Jacksonville Beach, stated that the hardship is that both lots are undersized.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued about the properties having a hardship due the lot size being substandard.

**Roll call vote:** Ayes – Moreland, Corey, Jolley, Loretta, and Buck; motion passed unanimously.

**(G) Case Number: BOA 11-100171**

**Name of Applicant:** New Atlantic Builders

**Property Address:** 2227 1<sup>st</sup> Street South

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for side yards of 10 feet total in lieu of 15 feet for both, a rear yard of 10 feet in lieu of 30 feet required, and for 50% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The applicant, Steve Williams, 3731 Duval Drive, Jacksonville Beach stated that the property has extreme hardships due to the lot being less than 40 feet wide and only 2600 square feet in size.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following person spoke in favor of the application:

Michelle Rossi, 410 1<sup>st</sup> Street North, Jacksonville Beach

The following person spoke in opposition to the application:

Sarah Grady, 2220 1<sup>st</sup> Street North, Jacksonville Beach

Seeing no one else who wished to address the board, Mr. Buck closed the public hearing.

A discussion ensued amongst the board members regarding the public comment about air conditioners, resulting in an amended motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, for a request for side yards of 10 feet total in lieu of 15 feet for both, a rear yard of 10 feet in lieu of 30 feet required, and for 50% lot coverage in lieu of 35% maximum to allow for a new single family dwelling, as shown and submitted inclusive of air handler units to be located in the rear yard of the property.

**Roll call vote:** Ayes – Moreland, Corey, Jolley, Loretta, and Buck; amended motion passed with a unanimous vote.

**(H) Case Number: BOA 11-100172**

**Name of Applicant:** Double D Construction

**Property Address:** 803 10<sup>th</sup> Avenue South

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 35% maximum to allow for a two-family dwelling.

**Applicant:**

The applicant, Steve Williams, 3731 Duval Drive, stated that the hardship is due to the lot being substandard.

Mr. Loretta asked Mr. Williams about the size of the garage.

Mr. Williams replied that the garage will be 18 ft. X 22 ft.

Mr. Loretta asked if the garage can be 20 ft. X 22 ft. Mr. Williams replied no.

**Public Hearing:**

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Buck closed the public hearing.

A brief discussion ensued about the property having a hardship due the substandard lot size.

**Roll call vote:** Ayes – Moreland, Corey, Jolley, Loretta, and Buck; motion passed unanimously.

**Building Department Report:** The next scheduled meeting is Tuesday, December 18, 2012.  
There are currently four (4) scheduled cases.

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Thomas Buck  
Chairman

Date: January 15, 2013