

**Minutes of Board of Adjustment Meeting
held Tuesday, January 2, 2013, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order by Chairman Buck.

Roll Call

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

Alternates:

Mike Gallimore
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 an 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.”

Minutes of Board of Adjustment
Meeting, held January 2, 2013

“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.”

There were no exparte communications disclosed by the board members.

Approval of Minutes

There were no minutes to be approved.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) **Case Number:** **BOA 12-100190**
Name of Applicant: Suzanne F. Quincy

Property Address: 736 6th Avenue North

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Jolley, to approve a request for no garage or carport in lieu of a one car garage or carport required.

Applicant:

Applicant, Suzanne Quincy, 736 6th Avenue North, stated that she bought her home a year and a half ago with the intention that her disabled daughter would be able to move in with her. Ms. Quincy asked that she be able to enclose the garage and create air-conditioned living space.

Mr. Buck asked if Ms. Quincy if she has a concrete driveway.
Ms. Quincy replied yes.

Mr. Moreland asked Ms. Quincy if she would be increasing her lot coverage.
Ms. Quincy 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.

There was a very brief discussion about the applicant not having a hardship; however, there are other homes in the neighborhood are without garages.

Roll call vote: Ayes – Buck, Moreland, Jolley, and Gallimore; Nay – Osewalt; motion passed with a 4 to 1 vote.

(B) & (C) **Case Number:** **BOA 12-100192 – BOA 12-100193**
Name of Applicant: Corner Lot Custom Homes

Property Address: 225 41st Avenue South & 235 41st Avenue South

Motion to Approve: It was moved by Mr. Osewalt, seconded by Mr. Jolley, to approve a request for 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 15 feet in total for both side yards provided that no side yard is less than 5 feet , in lieu of 10 feet required, for a 20 foot rear yard in lie o f30 feet required and for 50% lot coverage in lieu of 35% maximum to allow for a single family dwelling.

Applicant:

Agent for the applicant, Shawn Budd, 3721 DuPont Station Court, Jacksonville, FL 32217 stated these two lots are substandard in size. In order to construct single-family homes, a variance is needed.

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 sizes being substandard; resulted in an amended motion.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 15 feet in total for both side yards provided that no side yard is less than 5 feet , in lieu of 10 feet required, for a 20 foot rear yard in lieu of 30 feet required and for 49.8% lot coverage in lieu of 35% maximum to allow for a single family dwelling in accordance with the Avalon Neighborhood Architectural Guidelines.

Roll call vote: Ayes – Buck, Moreland, Jolley, Osewalt, and Gallimore; amended motion passed with a unanimous vote.

(D) & (E) **Case Number:** **BOA 12-100194 – BOA 12-100195**
Name of Applicant: Ossi Development, Inc.

Property Address: 4110 Ponce de Leon Blvd & 4142 Ponce de Leon Blvd

Motion to Approve: It was moved by Mr. Osewalt, seconded by Mr. Jolley, to approve a request for 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 7.5 foot yards in lieu of 10 feet required, for a 25 foot rear yard in lieu of 30 feet required and for 47% lot coverage in lieu of 35% maximum; Condition that above include the Avalon Neighborhood Architectural Guidelines as shown and submitted all to allow for a new single family home.

Applicant:

Agent for the applicant, Shawn Mann, 310 Babel Road, Ponte Vedra Beach, FL stated that his request for both lots is consistent to what has been approved in the past for these lots due to the substandard size of the lots.

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 sizes being substandard.

Roll call vote: Ayes – Buck, Moreland, Jolley, Osewalt, and Gallimore; motion passed with a unanimous vote.

(F) **Case Number:** BOA 12-100196
Name of Applicant: Ossi Development, Inc.

Property Address: 245 41st Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Jolley, to approve a request for 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for both side yards provided that no side yard is less than 5 feet in lieu of 10 feet required and for a 20 foot rear yard in lieu of 30 feet required and for 50% lot coverage in lieu of 35% maximum,; Condition that above includes the Avalon Neighborhood Architectural Guidelines as shown and submitted; all to allow for a new single family home.

Applicant:

Agent for the applicant, Shawn Mann, 310 Babel Road, Ponte Vedra Beach, FL stated that his hardship is because the lot size is substandard.

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.

There was a very brief discussion about the lot being substandard; resulting in an amended motion.

Amended Motion: It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for both side yards provided that no side yard is less than 5 feet in lieu of 10 feet required and for a 20 foot rear yard in lieu of 30 feet required and for 49.8% lot coverage in lieu of 35% maximum,; Condition that above includes the Avalon Neighborhood Architectural Guidelines as shown and submitted; all to allow for a new single family home.

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

Minutes of Board of Adjustment
Meeting, held January 2, 2013

Building Department Report: The next scheduled meeting is Tuesday, January 15, 2013, with three (3) scheduled cases thus far.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta

Chairman

Date: March 5, 2013