

**Minutes of Board of Adjustment Meeting
held Tuesday, January 15, 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 Loretta.

Roll Call

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

Alternates:

Mike Gallimore
Sylvia Osewalt

Purpose and Ex-Parte Statement

Mr. Loretta 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.”

“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

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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

It was moved by Mr. Moreland, seconded by Mr. Jolley, and passed, to approve the minutes for the December 4, 2012 and December 18, 2012 meetings as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) **Case Number:BOA 12-100198**

Name of Applicant: Ann Marie Foy

Property Address: 460 9th Avenue South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for total side yards of 12 feet in lieu of 15 feet required, for a rear yard of 24 feet in lieu of 30 feet required, and for 44% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

Applicant, Mary Foy, 2072 Seahawk Drive, Ponte Vedra Beach, stated that the her hardship is size of her lot as it does not meet the minimum lot size requirements for the zoning district.

Public Hearing:

Mr. Loretta 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. Loretta closed the public hearing.

A brief discussion ensued regarding the applicant having a hardship as a result of the substandard lot size.

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

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(B) & (C) Case Number: **BOA 12-100199 – BOA 12-100200**

Name of Applicant: Double D Construction LLC

Property Address: 3671 America Avenue & 3855 America Avenue

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve for side yards of 7.5 feet in lieu of 10 feet required, and for 40% lot coverage in lieu of 35% maximum to allow for a new single- family dwelling.

Applicant:

Stephen B. Williams, Agent for the applicant stated that he will be constructing single-family homes on both of these lots. In order to construct the single-family homes, he is requesting a variance due the lot size being substandard.

Public Hearing:

Mr. Loretta 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. Loretta closed the public hearing.

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

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

Building Department Report: The next scheduled meeting is Tuesday, February 5, 2013; and there are currently scheduled five (5) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta

Chairman

Date: March 5, 2013