

Minutes of Board of Adjustment Meeting
held Tuesday, April 16, 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 *Absent*
Josh Corey *Absent*
Bobby Jolley
Joseph Loretta, Chairman
John Moreland *Absent*

Alternates:

Mike Gallimore
Sylvia Osewalt *Absent*

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 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. Loretta stated that he had a conversations with the applicant Jason Session regarding BOA 13-100051.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Gallimore, and passed to approve the minutes for the March 5, 2013 meeting as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-100050

Name of Applicant: Mark and Dabni McCrary

Property Address: 113 8th Avenue South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant, Dabni McCrary, stated that she would like to construct a porch on the rear of her home which will increase the lot coverage.

Mr. Loretta asked the applicant if the porch will be open-air.

Ms. McCrary replied yes.

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.

Discussion:

Mr. Jolley, Mr. Loretta, and Mr. Gallimore all stated that they would be in favor of the variance request due to the applicant's property backing up to an alley way.

Roll call vote: Ayes – Jolley, Loretta and Gallimore
Motion passed unanimously.

(B) Case Number: BOA 13-100051

Name of Applicant: Jax Beach Cottages, LLC

Property Address: 1012, 1016, 1028, & 1034 1st Street North

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for front yards of 10 feet in lieu of 20 feet required, for total side yards of 10 feet in lieu of 15 feet required for 3 lots fronting 1st Street North, for building separation of 10 feet in lieu of 15 feet required for 3 lots facing 1st Street North, and for 42% and 46% lot coverage in lieu of 35% maximum for 3 lots fronting 10th Avenue North and 3 lots fronting 1st Street North respectively, all to allow for a zero lot line single family development of 6 lots.

Applicant:

The agent for the applicant, Jason Sessions, 4385 Tradewinds Drive, Jacksonville, stated that he would like to construct 6 single family homes on what was previously approved for a multi-family structure. All of the homes will be in line with the surrounding neighborhood.

Public Hearing:

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

The following person spoke neither for nor in opposition to the application:

Lyman Fletcher, 121 9th Avenue North, Jacksonville Beach

Seeing no one else who wished to address the Board, Mr. Loretta closed the public hearing.

Discussion:

There was a brief discussion about the plans being a good fit for the surrounding neighborhood.

Roll call vote: Ayes – Jolley, Loretta and Gallimore
Motion passed unanimously.

(C) Case Number: BOA 13-100058

Name of Applicant: First Baptist Church

Property Address: 324 5th Street North

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for an easterly front yard of 13 feet in lieu of 20 feet required, and for southerly and northerly corner side yards of 16 feet and 10 feet respectively in lieu of 20 feet required, to allow for ratification of non-conformities and improvements to an existing religious organization property.

Applicant:

The agent for the applicant, George Bull, 1500 Sevilla Blvd., Suite 3, Atlantic Beach, stated that he is the architect for the project and the reason for the variance request is because the buildings were built with no zoning requirements.

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 else wished to address the Board, Mr. Loretta closed the public hearing.

Discussion:

There was a brief discussion amongst the Board members about the request being minimal.

Roll call vote: Ayes – Jolley, Loretta and Gallimore
Motion passed unanimously.

Building Department Report: The next scheduled meeting is Tuesday, May 7, 2013.
There are currently three (3) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:20 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta
Chairman

Date: May 7, 2013