**Minutes of Board of Adjustment Meeting**
**held Tuesday, February 18, 2014, at 7:00 P.M.,**
**in the Council Chambers, 11 North 3rd Street,**
**Jacksonville Beach, Florida**

JACKSONVILLE BEACH

## Call to Order

The meeting was called to order by Vice-Chairman Osewalt.

## Roll Call

Tom Buck, Chairman *Absent*
Joseph Loretta
John Moreland
Sylvia Osewalt Vice-Chairman

Alternates:
Michael Gallimore *Absent*
Scott Cummings *Absent*

## Purpose and Ex-Parte Statement

Ms. Osewalt 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."

There were no ex-parte communications reported.

**Approval of Minutes**

There were no minutes to approve.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**(A)** **Case Number:** **BOA 13-100248**
**Name of Applicant**: William K. Galer

**Property Address:** 826 6th Avenue North

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

The applicant, William Galer, 826 6th Avenue North, Jacksonville Beach, stated that he and his wife purchased the home last November 2013. Mr. Galer stated he would like to construct a pool in the rear yard of their home and install semi-permeable pavers to facilitate drainage. Mr. Galer also stated that his surrounding neighbors have expressed no objections to the proposed pool or pavers.

Mr. Loretta stated that the existing lot coverage is 40%, larger than the minimum that is required for the zoning. He asked the applicant if he would be willing to reduce the lot coverage request.

Mr. Galer stated that he was not sure how the lot coverage could be reduced.

**Public Hearing:**

Ms. Osewalt 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, Ms. Osewalt closed the public hearing.

**Discussion:**

The Board discussed whether a hardship existed for this property due to the lot being standard in size.

**Roll call vote:** Ayes – Loretta and Moreland
Nays – Osewalt
Motion denied with a vote of 2 to 1.

**(B)** **Case Number:** **BOA 14-100006**
**Name of Applicant**: JP Properties

**Property Address:** 123 16th Avenue North

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 7 feet in lieu of 20 feet required to allow for improvements to a multi-family use property.

**Applicant:**

The applicant, Scott Gay, 3948 South 3rd Street, stated that he is seeking a variance so that he can construct a covered deck on the southerly side of the existing structure. Mr. Gay also informed the Board that he would be removing the shed that is located on the west side of the property in order to keep lot coverage to a minimum.

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

Mr. Gay replied it would be an open-air porch.

Ms. Osewalt asked the applicant what hardship exists.

Mr. Gay responded that the placement of the home is creating a hardship.

**Public Hearing:**

Ms. Osewalt 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, Ms. Osewalt closed the public hearing.

**Discussion:**

A brief discussion ensued about the request being minimal. Mr. Loretta stated that he wished to amend the motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a front yard of 7 feet in lieu of 20 feet required to allow for improvements to a multi-family use property for an open-air deck/porch that is 10 feet deep, as shown and submitted.

**Roll call vote:** Ayes – Moreland, Loretta, and Osewalt; amended motion carried unanimously.

**(C) Case Number: BOA 14-100008**

**Name of Applicant**: Eleas Wilson

**Property Address:** 535 15th Avenue South

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 45% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling and swimming pool.

The applicant, Eleas Wilson, requested a continuance until the next Board meeting, March 4, 2014.

Approval for the request for a continuance was unanimous.

**Building Department Report:** The next scheduled meeting is Tuesday, March 4, 2014. There are currently six (6) scheduled cases.

**Adjournment**

There being no further business coming before the Board, Ms. Osewalt adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

Thomas Burk

Chair

Date: 4/1/14