

**Minutes of Board of Adjustment Meeting  
Held Tuesday, March 6, 2007 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 Chairperson Hall.

**Roll Call**

Keith Hall (*Chairperson*)  
Bobby Jolley  
Terry McGill *Absent*  
John Moreland (*Vice Chairperson*)  
Joseph Lorretta *Absent*  
Josh Corey

John Hays, Building Official was also present.

Mr. Hall 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

Board of Adjustment Meeting  
March 6, 2007

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. Moreland stated that he had spoken with Mr. Christian in reference to Case# BOA 07- 100014.

### **Approval of Minutes**

It was moved by Mr. Jolley, seconded by Mr. Corey, and passed, to approve the February 6, 2007, minutes as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

#### **Case: BOA 07-100014**

**Location: 3318 South Ocean Drive, Lot 4**

**Applicant: Samuel Christian**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a southerly side yard of 8.5 feet in lieu of 10 feet required to allow for a new single family dwelling.

The agent for the applicant, Stephen Williams, 3731 Duval Drive, Jacksonville Beach, stated that this particular lot has a hardship due to the lot size being substandard. The lot size is 46 X 125, which is 5704 square feet. Mr. Williams stated that the rear and front yards setbacks, as well as the lot coverage were not compromised.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

The following people spoke in favor of the application:

Randy DeLoach, Jacksonville Beach

Sam Christian, 4838 Duval Drive, Jacksonville Beach

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

Board of Adjustment Meeting  
March 6, 2007

**Roll call vote:** Ayes –Hall, Moreland, Jolley, and Corey. Motion carried unanimously.

**Case: BOA 06-100015**

**Location: 3318 South Ocean Drive, Lot 3**

**Applicant: Samuel Christian**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a southerly side yard of 3.5 feet in lieu of 10 feet required to allow for a new single family dwelling.

The agent for the applicant, Stephen Williams, 3731 Duval Drive, Jacksonville Beach stated that this particular lot has a hardship due to the lot size being substandard. The lot size is 6250 square feet. Mr. Williams stated that the rear and front yards setbacks, as well as the lot coverage were not compromised.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

The following people spoke in favor of the application:

Randy DeLoach, Jacksonville Beach

Sam Christian, 4838 Duval Drive, Jacksonville Beach

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

**Roll call vote:** Ayes –Hall, Moreland, Jolley, and Corey. Motion carried unanimously.

**Case: BOA 06-100016**

**Location: 1250 Shetter Avenue**

**Applicant: Nancy Tuttle**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 7 spaces, in lieu of 30 spaces required to allow the conversion of 4,400 square feet of an office/warehouse building into dance studio space.

The applicant, Nancy Tuttle, 520 Oleander Street, Neptune Beach, stated that she is currently leasing her building for Nancy Dance Studios, however, she would like to own a building for her dance studio, and with rising costs it isn't economically feasible to lease space. Mr. Tuttle further explained that in order for her to own a portion of the property on Shetter Avenue, she would need 30 parking spaces. Ms. Tuttle stated that 90% of clientele is drop off and pickup and 75% of all classes are held at night; therefore not requiring the 30 spaces.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

Board of Adjustment Meeting  
March 6, 2007

The following people spoke in favor of the application:

Julie Guzman, 12 Tallwood Road, Jacksonville Beach  
Oltios Sakura, Jacksonville Beach

The following person spoke in opposition to the application:

Jim Hanson, 4718 Mountain Breeze Court, Jacksonville

Mr. Moreland stated that a letter in opposition is submitted for the record by William Guilford.

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

There was a discussion about the parking concerns, and the fact that there is a real need for more parking. Allowing the applicant to only have to accommodate for 7 parking spaces would not be good for the surrounding community.

**Roll call vote:** Nays –Hall, Moreland, Jolley, and Corey. Motion denied unanimously.

**Case: BOA 06-100020**

**Location: 1201 North 18<sup>th</sup> Street**

**Applicant: David Fogg**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 41% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, David Fogg, 1201 North 18<sup>th</sup> Street, stated that he has a substandard lot, thereby creating a hardship. Mr. Fogg further explained that he would like to add pavers around the pool area.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

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

**Roll call vote:** Ayes –Hall, Jolley, and Corey. Nays – Moreland. Motion approved 3 to 1.

**Case: BOA 06-100022**

**Location: 905 North 11<sup>th</sup> Street**

**Applicant: Olga Nichols**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 41% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Board of Adjustment Meeting  
March 6, 2007

The agent for the applicant, Edward Nichols, 1365 Cold Blanding Drive, stated that this lot is only 5100 square feet, which is a major hardship. Mr. Nichols further explained that he did his very best by maintaining all setback requirements.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

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

**Roll call vote:** Ayes –Hall, Moreland, Jolley, and Corey. Motion carried unanimously.

**Case: BOA 06-100024**

**Location: 600 Palm Tree Road**

**Applicant: L. E. Ficklin, Jr.**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 43% lot coverage in lieu of 35% maximum to allow for an accessory building.

The applicant, LE Ficklin Jr., 600 Palm Tree Road, stated that he would like to build a shed in his backyard. The shed will be approximately 16 X 16; 256 square feet. Mr. Ficklin also stated that he had a petition signed with 2 signatures from surrounding neighbors in support of his proposed shed.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

The following person spoke in opposition to the application:

Charles Austin, 527 Holly Drive, Jacksonville Beach

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

**Roll call vote:** Ayes –Hall, Moreland, Jolley, and Corey. Motion carried unanimously.

**Case: BOA 06-100025**

**Location: 1309 Palm Circle**

**Applicant: James Harden**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for an easterly side yard of 7.2 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

Board of Adjustment Meeting  
March 6, 2007

The applicant, James Harden, 1309 Palm Circle, Jacksonville Beach, stated that he would like to add a master bedroom addition to the back of the house. The current house size presents a hardship since the square footage is only 1125 square feet.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

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

**Roll call vote:** Ayes –Hall, Moreland, Jolley, and Corey. Motion carried unanimously.

**Adjournment**

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 8:45 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall

Chairperson

Date: April 3, 2007