

**Minutes of Board of Adjustment Meeting  
Held Tuesday, May 1, 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 Vice Chairperson John Moreland.

**Roll Call**

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

Jon Hays, Building Official, was also present.

Mr. Moreland 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. Sellers stated that he had a conversation with Mr. Aquino in reference to Case BOA 06-100079.

### **Approval of Minutes**

There were no minutes to approve.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **Case: BOA 07-100068**

**Location:** 1203 North 19<sup>th</sup> Street, Lot 6 and the South 20 feet of Lot 5, Block 18,  
Jacksonville Beach, Section “A”

**Applicant:** Scott and Judith Moody

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for 42% lot coverage in lieu of 35% maximum to allow for an accessory building to a single family dwelling.

The applicant, Scott Moody, 1203 19<sup>th</sup> Street, stated that he has owned his home for 25 years. The home is approximately 1300 square feet. He would like to add an accessory structure to accommodate extra storage. The storage shed will be 10X8.

Mr. Moreland opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request? Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

There was a brief discussion about the lot being substandard, 5100 square feet, therefore creating a hardship.

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

**Case: BOA 07-100069**

**Location: 1204 North 21<sup>st</sup> Street, Lot 5, Block 23, Jacksonville Beach, Section “A”**

**Applicant: Michael Caudill**

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a corner side yard of 7 feet in lieu of 18 feet required and for a rear yard of 11.8 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

The applicant, Michael Caudill, 1204 North 21<sup>st</sup> Street, stated that in 1999 he had asked for a variance to enclose the garage and construct a carport. The garage was enclosed, but the carport was never constructed due to lack of funding. Mr. Caudill is requesting to build an attached two story garage in place of the carport.

Mr. Moreland opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request? Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

A lengthy discussion ensued about the fact that Mr. Caudill applied for a variance to enclose his garage and construct a carport in 1999. Although he did enclose the garage he failed to construct the carport. The land development code states that a carport or garage is required.

**Amended Motion**

It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a corner side yard of 16 feet in lieu of 18 feet required and for a rear yard of 15 feet in lieu of 30 feet required to allow for improvements to a single family dwelling as discussed.

**Roll call vote:** Ayes – Jolley, Corey, Loretta, and Buck. Nays – Moreland. Motion carried by a vote of 4 to 1.

**Case: BOA 07-100072**

**Location: 604 North 11<sup>th</sup> Avenue, Lot 13, Block 3, Beaches Homesites, Unit One**

**Applicant: Mr. Mike Reynolds**

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a westerly side yard of 3.8 feet in lieu of 10 feet required and for 52% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The agent for the applicant, Jim McCue, 2804 St. Johns Bluff Road, stated that Mr. & Mrs. Reynolds purchased their property a year and a half ago and were naive about the lot maximum lot coverage standard. They bought the property with the lot coverage already being 49%. Mr. and Mrs. Reynolds would like to construct an attached two story garage as well as an open porch

over the rear of the existing west wing of the home.

Mr. Moreland stated that the property is currently in code violation due to the lot coverage already exceeding the maximum 35%.

Mr. Loretta asked what the need for the second story garage was.  
Mr. McCue stated that it was for Mr. Reynolds's astronomy equipment.

Mr. Moreland opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

The following person spoke in opposition to the application.

Robin Mathews 530 11th Ave North, Jacksonville Beach.

The following person spoke in favor of the application.

Mike Reynolds, 604 11<sup>th</sup> Avenue North, Jacksonville Beach.

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

There was a discussion about the requested westerly side yard of 3.8 feet encroaching too much on the boundary lines, being too close to the neighbors.

**1<sup>st</sup> Amended Motion:**

It was moved by Mr. Jolley, seconded by Mr. Buck to approve a request for 49% lot coverage in lieu of 35% maximum for a one story garage addition, as well as improvements to a single family dwelling.

**Roll call vote:** Ayes – Jolley, and Buck. Nays – Moreland, Loretta, and Corey. Motion failed by a vote of 3 to 2.

**2<sup>nd</sup> Amended Motion:**

It was moved by Mr. Loretta to approve a request for 46% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling. Motion died due to lack of a second.

**Roll Call Vote for Original Motion:** Ayes – Jolley. Nays – Moreland, Loretta, Buck and Corey. Motion failed by a vote of 4 to 1.

**Case: BOA 07-100073**

**Location: 411 South 4<sup>th</sup> Street, the southerly 52 feet of Lot 6, Block 44, Pablo Beach South**

**Applicant: John and Krista Miller**

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for no turning and maneuvering space for off street parking, for 1 foot in lieu of 5 feet minimum parking area setback along the southerly property line, for 4 spaces in lieu of 5 required, and for no landscape buffer along the southerly property line to allow for a new 900 square foot retail office.

The applicant, Krista Miller, 115 Oceanfront Street, Jacksonville Beach, stated that she has recently purchased this property for her business. The business is importing and exporting home accessories. Ms. Miller will be the only employee on the premises. Therefore the need for 5 parking spaces is not needed

Mr. Moreland opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request? Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

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

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:25 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland  
John Moreland, Vice Chairman

Date: June 19, 2007