

**Minutes of Board of Adjustment Meeting
Held Wednesday, September 5, 2007 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 Chairperson Hall.

Roll Call

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

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.”

Board of Adjustment Meeting
September 5, 2007

“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 exparte communications disclosed by any of the board members.

Approval of Minutes

There were no minutes to approve

Correspondence

The correspondence pertained to Case #BOA 07-100156 and was presented when that case was heard.

OLD BUSINESS:

None.

NEW BUSINESS:

Case: BOA 07-100142

Location: 703 3rd Avenue South; Lot 8, Block 28, Ex W 25 ft, Pablo Beach South

Applicant: Linzy C. Lane

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 44% lot coverage in lieu of 35% maximum; to allow for a new single family dwelling.

Claudio Biltoc, agent for the applicant, stated that Mr. Lane wishes to build a duplex for his children on this property. The applicant would also like to include gravel parking spaces for 4 vehicles in the variance request.

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

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

Mr. Loretta asked if the applicant had considered putting the parking spaces in the rear with access from the alley. Mr. Biltoc advised that Mr. Lane would agree to that.

Board of Adjustment Meeting
September 5, 2007

Mr. Hays advised that the variance was only advertised as a lot coverage request and it would need to be advertised again to include the parking request.

It was moved by Mr. Loretta, seconded by Mr. Jolley, to carry this item over until it could be property advertised.

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

Case: BOA 07-100154

Location: 426 5th Avenue South; Lot 5, Block 55, Pablo Beach South

Applicant: Colby Ward

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 11.4 feet in lieu of 20 feet required, for 4.7 feet total side yards in lieu of 15 feet required, for an easterly side yard of 2.6 feet and a westerly side yard of 2.1 feet in lieu of 5 feet minimum required and for a parking area set back of 2.1 feet in lieu of 5 feet minimum; to allow for improvements to a single family dwelling..

The applicant stated that the house was built in 1958 and does not conform to the current codes. He wishes to increase the living area from 866 s.f. to 1577 s.f. In order to accomplish this, he will have to remove the three rear walls and extend the building. He is requesting the westerly side yard variance of 2.1 feet in order to meet the carport/driveway required by the code.

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

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

There was a brief discussion concerning the Board's reluctance to grant side yard variances of 2.6 feet and 2.1 feet.

Mr. Moreland made a substitute motion for a front yard of 11.4 feet in lieu of 20 feet required, for a westerly side yard of 2.1 feet in lieu of 5 feet minimum required and for a parking area setback of 2.1 feet in lieu of 5 feet minimum; to allow for improvements to a single family dwelling.

After a brief discussion, Mr. Moreland withdrew his substitute motion.

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

Board of Adjustment Meeting
September 5, 2007

Case: BOA 07-100156

Location: 504 South 2nd Street; Northerly ½ of Lots 1 & 2, Block 53, Pablo Beach South

Applicant: Contract Connection, Inc.

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for no additional parking spaces in lieu of two spaces required; to accommodate the conversion of a one-car garage to approximately 360 square feet of office space. He also advised that there was an open codes enforcement case against the applicant.

The applicant stated that the garage has never been used for parking and there is sufficient parking without the two additional spaces.

Mr. Hall asked about the open codes enforcement case and Mr. Hays advised that the applicant had already converted the garage without obtaining the proper permits.

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

Mr. Moreland presented a letter from George and Judy Vaughn, 501 South 2nd Street, in opposition to the request.

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

There was a brief discussion concerning the fact that the garage conversion was completed without the proper permitting and that the employees of the company were parking on the City right-of-way.

Mr. Moreland made a substitute motion to add the wording “to restrict the variance to this business and this owner, for the current use only”. The motion died from lack of a second.

Roll call vote: Ayes – Corey and Jolley. Nays – Moreland, Loretta and Hall. Motion was denied by a vote of 3 to 2.

Case: BOA 07-100157

Location: 2200 South 3rd Street

Applicant: William Carillon

Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for no additional parking spaces in lieu of 3 required; to allow occupancy of a 1,400 square foot retail space by a 5-station hair/beauty salon.

Board of Adjustment Meeting
September 5, 2007

The applicant stated that he wishes to open a hair salon with 5 stations. This would require 10 parking spaces. He currently has 7 spaces and he wishes to use 3 of Bagel World's spaces since they are open in the morning and the majority of his business in the afternoon and evening.

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

Holly Carillon, 404 Standing Oak Ct., St. Johns, FL, spoke in favor of the application.

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

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

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 8:18 P.M.

Submitted by: Linda Wilkins

Approval:

/s/Keith Hall
Keith Hall, Chairman

Date: October 2, 2007