

**Minutes of Board of Adjustment Meeting
Held Tuesday, November 20, 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 Loretta.

Roll Call

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

Also present were Jon Hays, Building Official and Amber Lehman Recording Secretary.

Chairman 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 the persons and the substance of any ex-parte communications regarding any of the applications. An

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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

There was no correspondence

OLD BUSINESS:

Case Number: **BOA 07-100187**

Name of Applicant: Paul West/Donald West

Property Address: 455 15th Avenue South

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

The applicant, Paul West, 455 15th Avenue South, stated that he is requesting a variance for additional lot coverage to install a covered deck on the rear of his home. Mr. West also stated for the record that he did mail letters to all of his neighbors about the request and he did not hear any objections to the proposed covered deck.

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.

Discussion: Mr. Hall stated that the Mr. West’s lot size is 6250 square feet, significantly smaller than the minimum lot size requirement, therefore creating a hardship.

Roll call vote: Ayes - Hall, Bierschied, and Loretta. Motion carried unanimously.

NEW BUSINESS:

Case Number: **BOA 07-100198**

Name of Applicant: Gary Huggett

Property Address: 120 29th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to approve a request for 39% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

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The applicant, Gary Huggett, 120 29th South, stated that he would like to install a pool for his family. The pool will not have any impacts on the surrounding neighbors.

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.

Discussion: Mr. Hall stated that this was a minimal request.

Roll call vote: Ayes - Bierschied, Hall, and Loretta. Motion carried unanimously.

Case Number: BOA 07-100205

Name of Applicant: Steve Lietch

Property Address: 1627 Birchwood Road

Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to approve a request for an easterly side yard of .2 feet in lieu of 10 feet required to rebuild an attached accessory structure or porch.

The applicant, Steve Lietch, stated that he is in the process of rehabbing his home. He would like to bring the home up to current code.

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

The following person spoke in opposition to the applicant:

Robert Litel, 1746 Sunset Drive, Jacksonville Beach.

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

Discussion: Mr. Loretta stated that according to testimony from the applicant, 80% of the home will be reconstructed. Therefore, the application far exceeds the variance request parameters.

Roll call vote: Nays - Hall, Loretta, and Bierschied. Motion was denied unanimously.

Case Number: BOA 07-100206

Name of Applicant: Ocean Beaches American Legion Post 129

Property Address: 1151 4th Street South

Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to approve a request for 0 feet in lieu of 5 feet minimum parking area set back to allow for improvements to an existing parking area.

The agent for the applicant, Clyde Aston, 4344 Tideview Drive, Jacksonville Beach, stated that the American Legion has a parking lot that needs massive improvements. Mr. Aston would like to take

the parking lot to the lot line. The parking lot will have slanted parking to increase the parking for the patrons.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to table the discussion and vote until the applicant can provide a more detailed sketch with the proposed improvements.

Roll call vote: Ayes - Loretta, Hall, and Bierschied. Motion carried unanimously.

Case Number: **BOA 07-100207**

Name of Applicant: John R. Shaw

Property Address: 3410 Ocean Drive South

Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to approve a request for a front yard of 15 feet in lieu of 25 feet required, and for side yards of 8.5 feet in lieu of 10 feet required, and for 44% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

The agent for the applicant, Kevin Partel, stated that the variance request is for a new home that is being constructed. The Department of Environment Protection is requiring that the house be in within the Coastal Construction Control Line, therefore forcing the home to be moved. If the house is moved, it will be in the center of the lot, which will increase the current side and front yard setbacks.

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

The following person spoke in favor of the application:

Fland Sharp, 2910 Madrid Street, Jacksonville Beach.

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

Discussion: Mr. Hall stated that this was a minimum variance request. The lot is 8000 square feet and the minimum lot size is 10,000 square feet, therefore creating a hardship. However, Mr. Hall wanted to amend the motion by adding the verbiage "as submitted and shown" to the motion.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to approve a request for a front yard of 15 feet in lieu of 25 feet required, and for side yards of 8.5 feet in lieu of 10 feet required, and for 44% lot coverage in lieu of 35% maximum to allow for a new single family dwelling as submitted and shown.

Roll call vote: Ayes - Bierschied, Hall, and Loretta. Motion carried unanimously.

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Case Number: **BOA 07-100209**

Name of Applicant: Johnson and Kelli Reep

Property Address: 628 5th Avenue North

Motion: It was moved by Mr. Loretta, seconded by Mr. Bierschied, to approve a request for 37% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicants, Mr. & Mrs. Reep, stated that they would like to install a patio onto the back of their house so that their grandchildren will have a safe place to play. It will be an open air patio.

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.

Discussion: There was a brief discussion about the request being minimal.

Roll call vote: Ayes - Hall, Loretta, and Bierschied. Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 8:20 P.M.

Submitted by: Amber Lehman

Approval:

/s/Keith Hall

Chairman

Date: December 18, 2007