

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 4, 2008 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 Moreland.

Roll Call

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

Also present was Jon Hayes, Building Official and Linda Wilkins, Recording Secretary.

Chairman's Statement & Ex-parte Communications

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

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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.”

Board members Moreland, Hall, Jolley and Loretta all stated they spoke with Mr. James Hankins concerning BOA #100016.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 07-100012

Name of Applicant: Elizabeth Mas

Property Location: South ½ of Lot 2, Block 37, Atlantic Park R/P; 320 North 6th Street

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 14.7 feet in lieu of 20 feet required, for a northerly side yard of 3.4 feet and a southerly side yard of 1.65 feet in lieu of 15 feet total, and no side yards less than 5 feet, for 953 sq. feet of conditional living space and no garage or carport in lieu of 1200 sq. feet minimum and a 1 car garage or carport, for 38% lot coverage in lieu of 35% maximum; to ratify the existing non-conformities in order to rebuild.

The applicant stated that she was requesting the variances because the building and the lot were non-conforming and she wanted to be able to rebuild on the property should the present structure be destroyed.

Robin Arnold, builder on the project, advised that Ms. Mas is also requesting the variance because she might be unable to get property insurance without it.

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

The following people spoke in favor of the application:

Erin Morley, 314 6th Street North, Jacksonville Beach

Barry King, 110 10th Street, St. Augustine

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

Discussion: There was a brief discussion about how small the lot and the building were and the advisability of building another structure following the same footprint.

Roll call vote: Nays – Hall, Jolley, Loretta, Moreland and Buck. Motion was denied unanimously.

Case Number: **BOA 07-100016**

Name of Applicant: Stephen Altman

Name of Agent: Bryan Green

Property Location: Lot 12, Block 13, Jax Beach Heights; 3154 Horn Court

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a rear yard of 15 feet in lieu of 30 feet required to allow for a new single family dwelling.

Bryan Green, agent for the applicant, advised that Mr. Altman wished to follow a house plan that would have a centrally located courtyard and pool. Because the lot is long and narrow, the front of the house and the courtyard would face Ponce De Leon Avenue instead of Horn Court, and the rear yard variance would be necessary.

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

The following people spoke in opposition to the request:

James Hankins, 3273 St. Johns Boulevard. Mr. Hankins also distributed and read a letter outlining his objections to the application, along with a petition signed by some of the other residents of St. Johns Boulevard.

Manuel Enriquez, 3145 St. Johns Boulevard

Harry MacNeill, 3244 St. Johns Boulevard

Mrs. Enriquez, 3145 St. Johns Boulevard

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

Discussion: A brief discussion ensued concerning the fact that, although the lot is substandard in size, a previous variance was approved for 45% lot coverage which offset the lot size.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Loretta, to approve a request for a rear yard of 15 feet in lieu of 30 feet required, limited to a single story home.

Roll call vote: Ayes – Loretta. Nays – Jolley, Moreland, Buck and Hall. Motion was denied by a vote of 4 to 1.

Case Number: **BOA 07-100018**

Name of Applicant: Dennis A. and Pam Durocher

Property Location: Lot 18, Block 3, Hannah Terrace; 38 Millie Drive

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Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 35% maximum; to allow for improvements to a single family dwelling.

The applicant stated that he wishes to add additional parking in the front and a storage shed in the rear yard. Mr. Loretta asked Mr. Hays if the property was currently at 39% because of a previous variance? Mr. Hays responded in the affirmative.

Mr. Moreland 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. Moreland closed the public hearing.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 39% as presented and discussed.

Roll call vote: Ayes – Jolley. Nays – Loretta, Moreland, Buck and Hall. Motion was denied by a vote of 4 to 1.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:22 P.M.

Submitted by: Linda Wilkins

Approval:

/s/John Moreland
Chairman

Date: April 15, 2008