

**Minutes of Board of Adjustment Meeting
Held Tuesday, June 17 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
Keith Hall
Bobby Jolley
Joseph Loretta (*Vice Chairperson*)
John Moreland (*Chairperson*)
Tom Buck

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.”

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“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

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 08-100058

Name of Applicant: William P. Sands

Property Address: 2216 South Ocean Drive

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 81% lot coverage in lieu of 65% maximum and for 0 (zero) feet in lieu of 5 feet minimum parking area setback to allow for improvements to a townhouse dwelling.

The applicant, Bill Sands, 2216 Ocean Drive, Jacksonville Beach, stated that he has lived at this residence for more than 10 years and is requesting to add pavers to the east side of his residence to provide more parking. Mr. Sands currently has a one-car garage and a driveway.

Mr. Jolley asked Mr. Sands if the pavers will be layed the length of the house.

Mr. Sands replied in the affirmative, that pavers will be layed the length of the house.

Mr. Hall asked if parking is the issue; why the need for pavers the full length of the house.

Mr. Sands stated that the pavers would also be for aesthetics.

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Mr. Loretta asked if gravel could be put down instead of pavers.

Mr. Sands stated that gravel was there previously, but weeds grew in the gravel.

Mr. Moreland asked if 81% is the least amount of coverage that would be required.

Mr. Sands responded yes.

Public Hearing

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.

Discussion

A discussion ensued concerning the amount of lot coverage that it being requested. Board members also acknowledged that there is not a hardship, as the applicant does have two alternate sources for parking.

Roll call vote: Nays – Jolley, Hall, Loretta, Moreland, and Corey; motion unanimously denied.

Case Number: BOA 08-100059

Name of Applicant: Bobby Rose

Property Address: 131 North 10th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve an easterly side yard of 2.9 feet in lieu of 5 feet minimum and total side yards of 10 feet in lieu of 15 feet minimum; and for 51% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicant, Bobby Rose, 131 North 10th Avenue, Jacksonville Beach, stated that he has bad knees that do not allow him to move freely up and down stairs. Mr. Rose is requesting the addition of a second story stairwell for an emergency route.

Mr. Loretta asked if there will be any renters in the future.

Mr. Rose responded no.

Public Hearing

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

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

Discussion

Mr. Hall stated that while he sympathizes with the applicant for the need and desire for an alternate escape route he is in agreement that the request would infringe too closely to the property line.

Roll call vote: Nays – Jolley, Hall, Moreland and Corey; Ayes – Loretta. Motion denied 4 to 1.

Case Number: **BOA 08-10060**

Name of Applicant: Steven W. Calta

Property Address: 1306 & 1308 South 1st Street

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a front yard of 9 feet in lieu of 20 feet; for side yards of 7.5 feet in lieu of 10 feet; for a rear yard of 10 feet in lieu of 30 feet; and for 58% lot coverage in lieu of 35% maximum; and for 2 on-site parking spaces in lieu of 4 spaces required to allow for a new two-family dwelling.

The applicant, Steve Calta, stated that this property has a substandard lot, therefore creating a hardship. Mr. Calta stated that he would like to demolish the current structure and build a new structure. It is quite possible that the lot coverage will be less than what is currently there now.

Public Hearing

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.

Discussion

Mr. Loretta stated that due to the substandard lot size a hardship is created for the applicant; however, he would like to amend the motion.

Amended motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a front yard of 9 feet in lieu of 20 feet; for side yards of 7.5 feet in lieu of 10 feet; for a rear yard of 10 feet in lieu of 30 feet; for a ground floor of 18 foot setback in lieu of 20 feet and a second floor in lieu of 20 feet setback and for 58% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

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Roll call vote: Nays – Jolley, Hall, Loretta, Moreland, and Corey; motion unanimously denied.

Case Number: BOA 08-100070

Name of Applicant: Ronald Downs

Property Address: 1312 North 13th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a rear yard of 17 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

The applicant, Ron Downs, 217 Forbridge Park Drive, Jacksonville, asked that his application be tabled until the next meeting.

Case Number: BOA 08-100071

Name of Applicant: Steve L. Williams

Property Address: 430 South 1st Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 10 parking spaces in lieu of 87 parking spaces required to allow for a new storage facility.

The agent for the applicant, Charles Mann, stated that due to the existing land code requiring one parking space for each 1000 square feet of building space is the reason for the request. The code does not specify for storage space. The storage building will not attract a lot of staying traffic to the area. This building would be a 3-story structure with approximately 750 units. He added that the structure would compliment the new commercial development along Beach Blvd.

Mr. Loretta asked the applicant if the storm water will be housed underground.

Mr. Mann responded that it would be underground.

Mr. Loretta asked about the landscaping.

Mr. Mann replied that there would be perimeter landscaping.

Steve Williams added that this an upscale development costing be a 5 to 6 million dollars and the owners would not skimp on the landscaping.

Mr. Moreland asked how many units of the proposed 750, will be used to store required documents for businesses.

Mr. Williams advised approximately 25-30%.

Mr. Corey asked if there would be any on site employees.

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Mr. Mann responded that there would only be one employee on-site.

Mr. Hall commented that there are 17 parking spaces for this type of facility in Jacksonville.

Public Hearing

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.

Discussion

Mr. Jolley stated that he did not have any concerns with the request.

Amended motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 20 parking spaces in lieu of 87 parking spaces required to allow for a new storage facility.

Roll call vote: Ayes – Loretta, Jolley, Hall, Moreland, and Corey; motion unanimously approved.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:40 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall
Chairperson

Date: August 19, 2008