

**Minutes of Board of Adjustment Meeting  
Held Tuesday, August 5, 2008 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 Chairperson Moreland.

**Roll Call**

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

Bill Mann, Planning and Development, was also present.

**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.

### **Option to Defer**

The Chairman stated that the applicants were allowed the opportunity to request a deferral to the next meeting due to there being only four members present. There is a quorum with four members but three votes are required for approval.

### **Approval of Minutes**

It was moved by Mr. Jolley, seconded by Mr. Mr. Loretta, and passed, to approve the minutes for May 20, 2008 as amended, to show Mr. Moreland as the Chairperson, not Mr. Hall.

### **Correspondence**

There was no correspondence

### **OLD BUSINESS:**

None

### **NEW BUSINESS:**

#### **Case Number: BOA 08-100084**

Name of Applicant: Robert H. Schmitt

Property Address: 1020 North 6<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a westerly side yard of 5 feet in lieu of 10 feet required and 34-336 (e)(1)e, for 48% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicant, Mr. Schmitt, stated he is requesting the variance in order to build a second bathroom, a 17 ft. X 9.8 ft. addition to the home.

Discussion ensued regarding the existing 46% lot coverage and how to decrease the requested 48% lot coverage.

The applicant stated he would remove the concrete slab around his shed and also remove the concrete

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planter, adding 42 sq.ft. and decreasing the lot coverage.

**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.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to amend the motion to approve a request for a westerly side yard of 5 feet in lieu of 10 feet required and for 45% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

**Roll Call Vote:** Ayes: Corey, Jolley, Loretta, Moreland; amended motion unanimously approved.

**Case Number: BOA 08-100101**

Name of Applicant: Joseph B. Hockenbury

Property Address: 2716 Lois Lane

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

The applicant, Mr. Hockenbury, stated he is requesting the variance in order to build a swimming pool, with a fence, additional deck pavers, and patio.

Discussion ensued regarding the existing lot size of 15,000 sq. ft. and how to decrease the requested 40% lot coverage.

**Public Hearing**

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

Greg Sutton, 47 Tallwood Road, spoke in favor of the request.

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

**Amended Motion:** It was moved by Mr. Jolley, seconded by Mr. Loretta, to amend the motion to approve a request for 38% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

**Roll Call Vote:** Ayes: Jolley, Loretta, Corey  
No: Moreland

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The amended motion was approved with a 3 to 1 vote.

**Case Number: BOA 08-100103**

Name of Applicant: Kevin L. Strickland  
Name of Agents: Dale Coswell/Shannon Armstrong  
Property Address: 48 Cilewood Court

**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 and for 47% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicant's agent, Mr. Armstrong, stated the variance is requested in order to build a 12 ft. X 18 ft. swimming pool.

The applicant, Mr. Strickland, stated that the addition of a swimming pool and patio will enhance his family's quality of life. Mr. Strickland stated the angle of the lot creates a hardship but he would pull out the sidewalk to decrease lot coverage.

Discussion ensued regarding the lot size and how to decrease the requested 47% lot coverage.

**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.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to amend the motion to approve a request for a rear yard of 17 feet in lieu of 30 feet required and for 45% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

**Roll Call Vote:** Ayes: Loretta, Corey, Jolley  
No: Moreland

The amended motion was approved with a 3 to 1 vote.

**Case Number: BOA 08-100107**

Name of Applicant: Brad Hollett  
Name of Agent: Franklin Legal, PL  
Property Address: 522 North 1<sup>st</sup> Street

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Motion: Request for a 20 foot two-way parking aisle in lieu of 23 feet, for no parking setback along Southerly property line (alley) in lieu of 5 feet required, for 16 spaces in an uninterrupted row in lieu of 10 spaces maximum, for a 3 foot compatibility landscape buffer along the northerly property line in lieu of 7 feet required, adjacent to a two-family residential use, to allow for the construction of a surface parking lot.

The applicant's agent, Tim Franklin of Franklin Legal, PL, stated he would exercise his request to defer to the next meeting.

**Case Number: BOA 08-100108**

Name of Applicant: Brad Hollett

Name of Agent: Franklin Legal, PL

Property Address: 123, 129 & 135 North 5<sup>th</sup> Avenue & 602 North 1<sup>st</sup> Street

Motion: Request for no access aisle in lieu of a 12 foot one way aisle to access seven parking spaces along alley, for no parking setback in lieu of 5 feet required along northerly and southerly property lines, for 81 spaces in lieu of 93 required (65 on-site, 16 off-site) to allow for the construction of an 80-room hotel.

The applicant's agent, Tim Franklin of Franklin Legal, PL, stated he would exercise his request to defer to the next meeting.

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:45 P.M.

Submitted by: Nancy J. Pyatte

Approval:

/s/John Moreland

Chairman

Date: October 7, 2008