

**Minutes of Board of Adjustment Meeting
Held Tuesday, October 21, 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
Keith Hall *Absent*
Bobby Jolley
Joseph Loretta (*Vice Chairperson*)
John Moreland (*Chairperson*)
Tom Buck

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

Purpose and Ex-Parte Statement

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

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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 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 08-100136

Name of Applicant: Maximo Vista

Property Address: 1801 North 12th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a side yard of side yards of 9 feet in lieu of 10 feet required, and for no garage in lieu of a one-car garage required to allow for a substantial improvement to a non-conforming single-family dwelling.

Applicant, Maximo Vista, 1801 North 12th Avenue, stated that he would like to build-out his residence to accommodate his ill father. Mr. Vista explained to the board that he had a financial hardship and could not afford the required one-car garage.

In reference to the agenda information, Mr. Jolley asked how Codes Enforcement became involved with the property.

Mr. Vista replied that a stop work order was issued because he had demolished the interior of the structure, with out proper permits.

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Public Hearing

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to application.

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

A brief discussion ensued regarding the lack of a valid hardship; however, board members concurred that a variance could be approved due to the extenuating circumstances.

Roll call vote: Ayes – Jolley, Corey, Moreland and Buck; nays - Loretta. The motion carried by a vote of 4 to 1.

Case Number: BOA 08-100137

Name of Applicant: Ivan & Ann Richter

Property Address: 2030 Horn Street

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

Applicant, Ivan Richter explained that he would like to have a swimming pool installed by the summer season for his family. He added that the property is long and narrow and able to handle any rain run-off.

Public Hearing

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to application.

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

Mr. Jolley commented that this was a minimal request.

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

Case Number: BOA 08-100138

Name of Applicant: Angelo & Nature Kastroulis

Property Address: 11 Fairway Lane

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 18.5 feet in lieu of 25 feet required and for an easterly side yard of 5 feet in lieu of 10 feet required, to allow for improvements to a single-family dwelling.

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Applicant, Angelo Kastroulis, 1008 Owen Avenue, explained he and his wife are in the process of purchasing the home located at 11 Fairway Lane and would like to update the home by adding a two-car garage as well as additional square footage.

Mr. Jolley asked if they were planning on keeping the shell of the house.

Mr. Kastroulis replied no.

Mr. Moreland advised he does not see a hardship as the lot is 15,000 square feet, which is nearly double the size of a standard lot.

Mr. Kastroulis responded, as the house is currently situated on the lot, there is not sufficient room for two-car garage; thereby creating a hardship.

Mr. Loretta noted that the current structure is two-stories and asked if it was Mr. Kastroulis's intent to rebuild two stories.

Mr. Kastroulis replied that it is currently a split-level home, which would remain that way.

Mr. Loretta asked if there was an existing swimming pool.

Mr. Kastroulis responded no.

Public Hearing

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to application.

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

Mr. Jolley remarked that he could justify the side yard setback request but felt the front yard setback request was not warranted.

Mr. Moreland advised that this is an oversized lot and that he could not justify the request.

There was a brief discussion about the application having an above standard lot size and no apparent hardship.

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

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Case Number: BOA 08-100139

Name of Applicant: Chris Lambertson

Property Address: 1114 South 16th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum on both lots as reoriented, North ½ of lots 6 & 7 and South ½ lots 6 & 7, to allow for a new two-family dwelling.

Applicant, Chris Lambertson, 2038 Beach Avenue, stated that he is building two townhouses and the code requires a one-car garage for each. Mr. Lambertson explained that he would like to have a two-car garage for each instead of the required one-car garage to allow cars to be kept from the need to park in the street. He added that the request for the variance is due to the lots being long and narrow.

Public Hearing

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following person spoke in favor of the application:

Tim Franklin, 418 Seagate Avenue, Neptune Beach

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

Mr. Jolley commented that there is apparently no opposition from the neighbors; and added that this is a minimal request with the benefit of enhancing this particular street.

Mr. Corey concurred with Mr. Jolley.

There was a brief discussion about amending the original motion to add “for a two-car garage”.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 40% lot coverage in lieu of 35% maximum on both lots as reoriented, North ½ of lots 6 & 7 and South ½ of lots 6 & 7, to allow for new two-family dwellings, including two-car garages.

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

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Case Number: BOA 08-100140

Name of Applicant: Robert Ford

Property Address: 29 South 20th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 6.9 feet in lieu of 20 feet and for 58% lot coverage in lieu of 35% maximum to allow for a swimming pool.

The agent for the applicant, Tim Franklin, 418 Seagate Avenue, requested the application be withdrawn.

Case Number: BOA 08-100142

Name of Applicant: Warren Anderson

Property Address: 468 South 7th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 35% maximum and for an accessory structure 2 feet in lieu of 5 feet from a principal structure, to allow for improvements to a single-family dwelling.

Applicant, Warren Anderson, explained that he currently has a carport that does not comply with current building codes and this variance request is to allow the carport to remain and bring the property into compliance.

Mr. Loretta requested that Mr. Hayes provide an overview of the request.

Mr. Hayes advised that Mr. Anderson had received a stop-work order for installation of a carport without proper permits. He added that a variance was needed, as the structure encroaches on the required setbacks and exceeds the allowable lot coverage.

Mr. Moreland asked if installation of the carport was complete.

Mr. Anderson replied yes, and stated that he was not aware that a variance would be needed to install the structure.

Mr. Moreland asked Mr. Anderson if he his request was for what was already constructed.

Mr. Anderson responded in the affirmative.

Public Hearing

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or opposition to the application.

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The following person spoke in opposition to the application:

Tom Skinnerello, 1426 North Florida Street, Jacksonville Beach

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

There was a brief discussion about the lot being substandard, thereby creating a hardship for the applicant.

Roll call vote: Ayes – Jolley, Loretta, and Buck; nays – Moreland and Corey. The motion carried by a vote of 3 to 2.

Case Number: BOA 08-100145

Name of Applicant: Brian Corcoran

Property Address: 1305 North 3rd Street

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for no additional parking in lieu of 8 new parking spaces required (1/200) to allow for a 1,600 sq ft 2nd story addition to an existing business.

Applicant, Brian Corcoran, stated that he would like to add a second story addition to his bicycle shop for retail storage and bicycle repair. He explained that due to the intended use of the addition, the extra parking wouldn't be needed. Mr. Corcoran added that customers would not be accessing the 2nd story.

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. Jolley, seconded by Mr. Loretta, to approve a request for no additional parking in lieu of 8 new parking spaces required (1/200) to allow for a 1,600 sq feet 2nd story addition to an existing business for Champion Cycle.

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

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Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:45 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/John Moreland

Chairperson

Date: February 3, 2009