

**Minutes of Board of Adjustment Meeting
Held Tuesday, November 5, 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
Bobby Jolley
Joseph Loretta (*Vice Chairperson*) *Absent*
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 ex-parte 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 08-100155

Name of Applicant: Mr. Larry Bean and Mr. Voichysonk

Property Address: 134 South 8th Avenue

Motion: It was moved by Mr. Jolley, seconded by Mr. Hall, to approve a request for a front yard of 7 feet in lieu of 20 feet, for a side yard of 1.6 feet, a corner side yard of 1.0 feet and total side yards of 3.5 feet in lieu of 5 feet, 8.2 feet and 15 feet respectively, for a rear yard of 7.7 feet in lieu of 30 feet, for 65% lot coverage in lieu of 35% maximum, and for 1 on-site parking space in lieu of 2 required, to allow for substantial improvement and an addition to a single family dwelling.

The agent for the applicant, Nitin Jayaswal, stated that the hardship is the lot being incredibly substandard in size only 2,665 square feet. The applicants would like to add a second story to the existing structure thereby creating the need for the variance.

Mr. Hall asked what the current square footage is for the house.

Mr. Jaysawal replied that the home is currently only 800 square feet and added that the addition would add approximately 900 square feet.

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Mr. Hall asked if the house would still be within code standards with the addition of the second story.

Mr. Jaysawal responded yes.

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 opposition to the application:

Steve Weedbury, 753 South 2nd Street, Jacksonville Beach.

Mr. Hall stated that the following correspondence was received pertaining to the application:

- There was an email from Sunny Martin, Jacksonville Beach, stating no objection to the application.
- A letter was received from an anonymous person objecting to the application.

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

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

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

Case Number: BOA 08-100158

Name of Applicant: Judson Waugh

Property Address: 142 29th Avenue South

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for an easterly side yard of 7.5 feet in lieu of 10 feet required, for a rear yard of 9.4 feet in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicant, Judson Waugh, explained that he would like to add an addition to the rear of his property, consisting of a bathroom and a laundry room. Mr. Waugh added that he would also be installing a swimming pool.

Mr. Moreland asked Mr. Waugh what about his hardship and Mr. Waugh advised that his lot size is substandard.

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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 the application.

The following persons spoke in favor of the application:

Jeff Tidwell, 2906 Abaco Lane, Jacksonville Beach
Ryan Wetherhold, 114 South 33rd Jacksonville Beach

The following person spoke in opposition:

Benjamin Lucero, 2930 2nd Street, Jacksonville Beach.

Mr. Hall advised that Mr. Waugh had submitted a petition with nine signatures in favor of the application.

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

Mr. Waugh stated that there are drainage issues in his neighborhood, however, he resides east of 3rd Street and has never experienced any drainage issues relating to his property.

Mr. Moreland asked how many feet would be included in the addition.

Mr. Waugh replied that the addition would be approximately 450 square feet.

A brief discussion ensued about the lot being substandard, thereby creating a hardship; however, an amended motion was needed.

Amended Motion: It was moved by Mr. Corey, seconded by Mr. Hall, to approve a request for an easterly side yard of 7.5 feet in lieu of 10 feet required, for a rear yard of 9.4 feet in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum, to allow for improvements to a single family dwelling as submitted and discussed for an addition to the rear of the property.

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

Case Number: BOA 08-100160

Name of Applicant: Larry and Janet Lam

Property Address: 614 6th Avenue

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 48% lot coverage in lieu of 40% maximum to allow for a swimming pool addition to a single-family dwelling.

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Applicant, Larry Lam, advised that he would like to install a swimming pool for his family. He further explained that he has a slightly handicapped daughter and bacteria from the ocean water can negatively affect her eyesight. Mr. Lam added that he does not have any water runoff or standing water on his property.

Public Hearing

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

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

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/John Moreland

Chairperson

Date: January 6, 2009