

**Minutes of Board of Adjustment Meeting
Held Tuesday, December 2, 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 *Absent*
Joseph Loretta (*Vice Chairperson*) *Absent*
John Moreland (*Chairperson*)
Tom Buck

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 criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

Minutes of Board of Adjustment
held on Tuesday, December 2, 2008

“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

It was moved by Mr. Corey, seconded by Mr. Hall, and passed, to approve the minutes for July 15, 2008, August 19, 2008 and October 7, 2008 as presented.

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 08-100161**

Name of Applicant: Preston and Sherry Doub

Property Address: 44 Tallwood Road

Motion: It was moved by Mr. Hall, seconded by Mr. Corey to approve a request for 38% lot coverage in lieu of 35% maximum, and for parking area setback .4 to the property line in lieu of 5 feet minimum to allow for improvements to a single-family dwelling.

Applicant, Preston Doub, stated that he would like to be able to park his boat behind a privacy fence. He also advised that that he had letters of support from his surrounding neighbors.

Mr. Moreland asked if the extension and boat would be behind the gate.

Mr. Doub replied in the affirmative.

Mr. Corey asked if the extension was completed and if the contractor was unaware of the need for a variance.

Mr. Doub 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.

Mr. Hall advised that five letters in support of the variance were received.

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

Roll call vote: Ayes – Hall, Moreland, Corey and Buck; motion to approve was unanimous.

Case Number: BOA 08-100166

Name of Applicant: Michael Lewis

Property Address: 416 Upper 36th Avenue South

Motion: It was moved by Mr. Hall, seconded by Mr. Corey to approve a request for 45% lot coverage in lieu of 35% maximum, to allow for a swimming pool addition to a two-family dwelling.

Applicant, Michael Lewis explained that he would like to have a swimming pool constructed in his rear yard.

Mr. Moreland asked if there was any way to reduce the request and if the request was minimal.

Mr. Lewis responded there was no way to further reduce the request and confirmed that the request was minimal. He further explained that the pool would be a tiny garden pool with 125 square feet.

Mr. Hall asked what the width and depth of the pool would be.

Mr. Lewis advised that it would be 12 ft in width and 5 ft deep.

Mr. Hall asked about extension of the pool's decking.

Mr. Lewis replied that the pool decking would be 2 ft wide around the pool.

Mr. Hall followed up with an inquiry about the percentage of lot coverage would add to the current lot coverage.

Mr. Lewis responded that the lot coverage would be increased by 1.7%.

Minutes of Board of Adjustment
held on Tuesday, December 2, 2008

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.

Roll call vote: Ayes – Hall, Moreland, Corey and Buck; motion to approve was unanimous.

Case Number: **BOA 08-100169**

Name of Applicant: John and Lori Morris

Property Address: 602 9th Street North

Motion: It was moved by Mr. Hall, seconded by Mr. Corey to approve a request for a rear yard of 18 feet in lieu of 30 feet required to allow for improvements to a single-family dwelling.

Applicant, John Morris, explained that he would like to install a carport at his home, as there is no garage on the property. Addition of the carport would allow him to provide coverage for his vehicles in inclement weather.

Mr. Moreland asked where the carport would be located.

Mr. Morris replied in the rear yard.

Mr. Buck asked if there was concrete already on the area where the carport would be installed and if so, would he be covering the existing concrete area.

Mr. Morris responded that he would.

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 about the application being minimal and the fact that the house is oddly positioned on the lot, therefore, creating a hardship for the applicant.

Roll call vote: Ayes – Hall, Moreland, Corey and Buck; motion to approve was unanimous.

Minutes of Board of Adjustment
held on Tuesday, December 2, 2008

Case Number: BOA 08-100172

Name of Applicant: Paulette E. Walker

Property Address: 1416 Pinewood Road

Motion: It was moved by Mr. Hall, seconded by Mr. Corey, to approve a request for 43.5% lot coverage in lieu of 35% maximum to allow placement of a 240 square foot shed in the rear yard.

Due to an error in advertising the application, the case was tabled until the January 6, 2009, meeting.

Case Number: BOA 08-100177

Name of Applicant: David Weisner

Property Address: 1157 14th Street North

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

Agent for the applicant, Lisa Dupuis, explained that the homeowner would like to upgrade the existing screen porch area by replacing the structure with hurricane rated material. The homeowner would also like to convert a portion of the screened porch into a living area for his elderly family. Ms. Dupuis added that there would be no change to the existing footprint of the home.

Mr. Moreland asked if part of the slab that currently exists would become part of the house.

Ms. Dupuis responded yes, and that part of the slab would be resurfaced.

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.

There was a brief discussion about the applicant not adding additional lot coverage, thus the application was considered a minimal request.

Roll call vote: Ayes – Hall, Moreland, Corey and Buck; motion to approve was unanimous.

Minutes of Board of Adjustment
held on Tuesday, December 2, 2008

Case Number: BOA 08-100178

Name of Applicant: Robert Ford

Property Address: 29 20th Avenue South

Motion: It was moved by Mr. Hall, seconded by Mr. Corey to approve a request for a front yard of 5 feet in lieu of 20 feet; for 53.25% lot coverage in lieu of 35% maximum, and for zero on-site parking spaces in lieu of two parking spaces required to allow for improvements to a single-family dwelling.

Agent for the applicant, Tim Franklin, explained that a hardship had been created due to the illness of Mr. Ford's wife. She has a deteriorating bone disorder as well as diabetes. Her physician has recommended swimming as an aid to help relieve the pain associated with her illnesses. Mr. Ford would like to install a small lap pool on the side of the house where concrete is currently in place. Mr. Franklin added that this request is the minimum that the applicant can utilize.

Mr. Buck asked what type of fence will be installed.

Mr. Ford advised it would be made of vinyl.

Mr. Hall asked, since the applicant already has 9-foot setback, is there a need for the 5-foot setback being requested.

Mr. Ford replied yes.

Mr. Hall asked how large the new house would be.

Mr. Ford responded that it would be the same footprint of 2300 – 2400 square feet.

Public Hearing

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

The following person spoke in favor of the application:

Eve Whitman, 1908 South Ocean Drive, Jacksonville Beach

Mr. Hall stated that a letter in opposition to the application had been received.

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

A discussion ensued about the current application totally overriding the previous variance granted.

Minutes of Board of Adjustment
held on Tuesday, December 2, 2008

Mr. Moreland advised that he had concerns about zero parking spaces.

Roll call vote: Ayes –Corey and Buck; Nays - Hall and Moreland; motion failed with a 2 to 2 vote.

Case Number: BOA 08-100179

Name of Applicant: Michael Hughes (*Universal Structures, LTD*)

Property Address: 826 9th Avenue North

Motion: It was moved by Mr. Hall, seconded by Mr. Corey, to approve a request for 44% lot coverage in lieu of 35% maximum, to allow for a swimming pool addition to a single - family dwelling.

Agent for the applicant, Greg Barnett, explained he currently has a contract from a buyer, provided a swimming pool could be installed in the rear yard. Approval of the variance would allow him to proceed with sale of the property.

Mr. Moreland asked if this was the minimum required.

Mr. Barnett replied that request was based on the potential requirements of the buyer.

Mr. Hall and Mr. Corey voiced their concern that the property is not a substandard lot, as it is 60 x 125 sq ft.

Mr. Hall advised that he might be in favor of the application, if the concrete could be eliminated.

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 discussion ensued concerning the extremely large amount of concrete being requested for the project. Board members advised that they would be more comfortable if the lot coverage were reduced to 39%.

Amended Motion: It was moved by Mr. Buck, seconded by Mr. Corey, to approve a request for 39% lot coverage in lieu of 35% maximum, to allow for addition of a swimming pool to a single-family dwelling.

Roll call vote: Ayes –Moreland, Corey and Buck; Nays – Hall; motion carried by a vote of 3 to 1.

Minutes of Board of Adjustment
held on Tuesday, December 2, 2008

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: March 3, 2009