

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 3, 2009 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 Loretta.

Roll Call

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

Purpose and Ex-Parte Statement

Mr. Loretta 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

A motion was made by Mr. Moreland, seconded by Mr. Hall to approve the meeting minutes of December 2, 2009 and January 6, 2009 as presented.

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 09-100010

Name of Applicant: Chris Lambertson

Property Address: 1114 16th Avenue

Motion: It was moved by Mr. Corey, seconded by Mr. Moreland, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for two-family dwelling on each lots 8, 9, and 10.

Applicant

Applicant, Chris Lambertson, 2038 Atlantic Avenue, Atlantic Beach, stated that the hardship is because the lots are narrow and measure 50 X 125. The current plan is to build two townhomes on each lot with both having a 1 ½ attached car garage. Mr. Lambertson further explained that the lots are adjacent to a 26-foot city right of way; and that all setbacks would be maintained.

Public Hearing

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

The following person spoke in opposition:

Jennifer Lowe, 1654 11th Street South, Jacksonville Beach.

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

Discussion:

Mr. Jolley stated, with the lot being located next to the City's easement and that the lots are undersized, he is in favor of the application.

Mr. Loretta remarked that that he was not in favor of this particular type of development (townhomes with garages).

Mr. Hall stated that he would have liked to see a rough draft of the building plans so he would have a better idea of what is being approved or not approved.

Roll call vote: Ayes –Hall and Moreland; Nays – Loretta and Corey; motion denied due to a vote of 2 to 2.

Case Number: BOA 09-10011

Name of Applicant: Paul Hutcherson

Property Address: 359 St. Augustine Blvd

Motion: It was moved by Mr. Corey, seconded by Mr. Moreland, to approve a request for a northerly side yard of 6.9 feet in lieu of 10 feet required and for 40% lot coverage in lieu of 35% maximum, to allow for substantial improvements to a single family home.

Applicant, Paul Hutcherson, 359 St. Augustine Blvd, Jacksonville Beach, stated that he had purchased this home with the intention of remodeling the home. However, when the simple remodeling began, mold and termites had been found. Now the entire structure has to be demolished and rebuilt. He added that the original structure was built in 1956 with an existing side yard of 6.9 feet.

Public Hearing

Mr. Loretta 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. Loretta closed the public hearing.

Amended Motion

It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a northerly side yard of 6.9 feet in lieu of 10 feet required and for 40% lot coverage in lieu of 35% maximum to allow for substantial improvements to a single family as submitted and discussed.

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Discussion

A discussion ensued about the applicant having a hardship due to the lot being extremely undersized.

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

Case Number: BOA 09-100013

Name of Applicant: Sally Ray or Thomas Ray

Property Address: 1225 11th Street North

Motion: It was moved by Mr. Corey, seconded by Mr. Moreland, to approve a request for a parking setback of 3.9 feet in lieu of 5 feet minimum, to allow for improvements to a single family home.

Applicant, Thomas Ray, 5180 Greenland Road, Jacksonville, FL 32258, explained that they have a large boat they were parking in the front yard. Mr. Ray advised that a violation from the city was received, directing them to remove the boat from its current location. Mr. Ray stated that he would like to remove the attached carport to the home and replace it with a detached carport located behind the home to accommodate storage of the boat.

Public Hearing

Mr. Loretta 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. Loretta closed the public hearing.

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

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Joseph Loretta
Chairperson

Date: July 21, 2009