

**Minutes of Board of Adjustment Meeting  
Held Tuesday, June 16, 2009 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 Mr. Corey, Vice Chairperson, in the absence of Joseph Loretta, Chairperson.

**Roll Call**

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

**Purpose and Ex-Parte Statement**

Mr. Corey 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**

It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve the February 3, 2009, April 7, 2009, May 5, 2009, and May 19, 2009 minutes, as amended to show the Vice Chairperson as Josh Corey on all the minutes.

**Vote** - Motion unanimously approved.

**Correspondence**

There was no correspondence

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case Number:**        **BOA 09-100064**

**Name of Applicant:** Jennifer Ford

**Property Address:** 1701 Harden Way

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 43% lot coverage in lieu of 35% maximum to ratify an existing non-conformity (39%), and to allow for addition of a swimming pool to a single-family dwelling.

**Applicant:**

Agent for the applicant, Bob Hamil, advised that the additional lot coverage is requested in order to build a swimming pool with a patio/deck around the pool.

**Public Hearing:**

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

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No one wished to address the board; Mr. Corey closed the public hearing.

**Discussion:**

A brief discussion ensued about the existing lot coverage and lot size,

**Roll call vote:** Ayes – Hall, Jolley, Buck, and Corey  
Nays - Moreland

Motion approved with a 4 to 1 vote.

**Case Number:** BOA 09-100076

**Name of Applicant:** Andy and Leanne Moy

**Property Address:** 1091 13<sup>th</sup> Street North

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 50% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

**Applicant:**

Andy Moye, applicant, advised that he wants to add a hot tub and a play area to his backyard. He stated the current existing lot coverage is at 47%.

Gary Crumley, landscape architect for the applicant, addressed the Board stating there is a driveway permit that has been approved by the City. He also stated that there will be a raised wood deck which allows for drainage and is pervious, but the deck is defined as lot coverage.

**Public Hearing:**

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

No one wished to address the board; Mr. Corey closed the public hearing.

**Discussion:**

A brief discussion ensued about the existing lot size being a hardship.

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

**Case Number:** BOA 09-100077

**Name of Applicant:** Curtis and Kim Winter

**Property Address:** 1803 Tanglewood Road

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 39%

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lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

**Applicant:**

Curtis Winter, applicant, advised that he wants to build a swimming pool for his family. Mr. Winter stated that the swimming pool is the only upgrade to the property. He stated that he didn't feel he could modify these plans and what he is requesting is minimal.

**Public Hearing:**

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

No one wished to address the board; Mr. Corey closed the public hearing.

**Discussion:**

A brief discussion ensued about the existing lot size being a hardship.

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

**Case Number:** BOA 09-100079

**Name of Applicant:** Chris Lamberston

**Property Address:** 1114 16<sup>th</sup> Avenue South

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a corner side yard of 7.5 ft in lieu of 10 ft on Lot 10 and for 43% lot coverage in lieu of 35% maximum on Lots 8, 9, 10 to allow for a single family dwelling on each lot.

**Applicant:**

Agent for the applicant, Tim Franklin, reviewed that one year ago the Board denied the applicant's request for a duplexes on each lot. The plans for the property have been revised extensively and are a better fit to the neighborhood. Mr. Franklin submitted, for the record, the proposed floor plan and photos of other houses in the neighborhood.

Mr. Franklin stated that the existing homes in this area are approximately 2,300 sq. ft. and the applicant is proposing to build three 1,814 sq. ft. homes, single story, each with two-car garages.

Chris Lamberston, applicant, addressed the Board stating that his previous request one year ago was to build three duplexes (6 homes) which is allowed per the zoning regulations and now he is proposing three single family homes.

**Public Hearing:**

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

Joe Crozier, 1650 South 6<sup>th</sup> Street, spoke in favor.  
William Goodling, 516 South 11<sup>th</sup> Street, spoke in favor  
Chris Austin, 1662 South 11<sup>th</sup> Street, spoke in opposition

Seeing no one else who wished to address the board; Mr. Corey closed the public hearing.

**Rebuttal:**

Mr. Franklin addressed Mr. Austin's opposition to this request stating that the proposed plan presents less impact to the area.

**Discussion:**

A brief discussion ensued about amending the motion to limit to single story.

Mr. Moreland amended the motion to approve a request for a corner side yard of 7.5 ft in lieu of 10 ft on Lot 10 and for 43% lot coverage in lieu of 35% maximum on Lots 8, 9, 10 to allow for a single family dwelling on each lot, limited to a single story dwelling on each lot. The amended motion was seconded by Mr. Jolley.

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

**Adjournment**

There being no further business coming before the Board, Mr. Corey adjourned the meeting at 8:00 P.M.

Submitted by: Nancy J Pyatte

Approval:

/s/Josh Corey  
Chairperson

Date: August 4, 2009