

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 4, 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
Joseph Loretta (*Chairperson*)
John Moreland
Tom Buck
Scott Chestnut

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.”

“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. Moreland to approve the minutes of June 16, 2009 as presented.

Vote – Motion unanimously approved.

Correspondence:

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 09-100102**

Name of Applicant: Nancy and Gary Hallett

Property Address: 1014 8th Avenue North

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 16.9 feet in lieu of 25 feet required and for an easterly side yard of 5 feet in lieu of 10 feet required to ratify an existing condition and allow for improvements to a single family dwelling.

Applicant:

The applicant’s representative, Ben Broadfoot, 420 South 3rd Street, stated that he would like to rebuild the existing front porch and add a garage with a bedroom to the existing house. The home is a smaller ranch home with minimum square feet that was built in the 1950’s.

Mr. Hall asked if the front porch will be closed or open. Mr. Broadfoot replied that the front porch will be an open air porch.

Mr. Hall asked if the addition could be relocated to the rear of the property. Mr. Broadfoot stated that if the addition was relocated to the rear of the property then the garage would have to be a detached garage.

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.

Discussion:

Mr. Jolley stated that there is a lot of area in the rear of the property to relocate the addition; however, if the applicant proposed that scenario, a variance would be required.

Roll call vote: Ayes –Moreland, Corey, Jolley and Hall.
Nays – Loretta.

Motion approved with a 4 to 1 vote.

Case Number: BOA 09-100103

Name of Applicant: Anthony Pashos

Property Address: 23 30th Avenue South

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 6 feet in lieu of 9.6 required, for a corner side yard of 3.7 feet in lieu of 9.7 feet and for 65% lot coverage in lieu of 59% maximum to allow for a second and third floor cantilevered deck addition to a single family dwelling.

Applicant:

The agent for the applicant, William Warnoc, 22 Ponciano Way, Ponte Vedra Beach, FL, stated that the applicant could not attend the meeting, however his fiancé is present. Mr. Warnoc explained that he is the original builder for this home and that this was a spec house when Mr. Pashos purchased it. After living in the home for more than two years, Mr. Pashos would like a 2nd & 3rd floor cantilevered deck addition to the home so that he and his fiancé could enjoy the ocean views.

Mr. Loretta asked if there is currently a deck on the first floor. Mr. Warnoc replied no.

Public Hearing:

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

Mr. Corey stated that there is a letter neither in favor nor opposition to the application from Dan Elemnena.

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

Discussion:

Mr. Hall stated that he does not see a hardship that would warrant variance approval. Mr. Jolley stated that the decks will only be on the 2nd and 3rd floor, therefore will not impact the surrounding neighbors. With that being said Mr. Moreland stated that he wanted to offer an amended motion.

Amended Motion:

It was moved by Mr. Moreland to amend the motion to approve a request for a corner side yard of 3.7 feet in lieu of 9.7 feet and for 62% lot coverage in lieu of 59% maximum to allow for a second and third floor cantilevered deck addition to a single family dwelling.

Amended motion died due to lack of a second.

Amended Motion:

It was moved by Mr. Jolley to amend the motion, seconded by Mr. Corey, to approve a request for a corner side yard of 3.7 feet in lieu of 9.7 feet and for 65% lot coverage in lieu of 59% maximum to allow for a second and third floor cantilevered deck addition to a single family dwelling.

Roll call vote: Ayes – Corey and Jolley.
Nays –Moreland, Loretta and Hall.

Amended motion denied 3 to 2

Since the second amended motion was denied the original motion is still in effect for a vote.

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 6 feet in lieu of 9.6 required, for a corner side yard of 3.7 feet in lieu of 9.7 feet and for 65% lot coverage in lieu of 59% maximum to allow for a second and third floor cantilevered deck addition to a single family dwelling.

Roll call vote: Ayes- Jolley.
Nays –Moreland, Loretta, Corey and Hall.

Motion denied with a 4 to 1 vote.

Case Number: BOA 09-100114

Name of Applicant: Vern Johnson

Property Address: 1107 South 6th Street

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a rear yard of 16 feet in lieu of 30 feet required and for 49.6% lot coverage in lieu of 35% maximum to allow for improvements to a two family dwelling.

Applicant:

The applicant, Vern Johnson, 1107 South 6th Street, stated that he would like to add a sunroom to the rear of his home.

Mr. Loretta asked the applicant if it will be one room or two rooms and will it be glassed or screened. Mr. Johnson replied that it will only be one room and that it will be both glassed and screened, but no heating or A/C.

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.

Discussion:

A brief discussion ensued about the size of the sunroom (14X14) and that it is minimally invasive to the surrounding neighbors.

Amended Motion:

It was moved by Mr. Moreland to amend the motion, seconded by Mr. Corey, to approve a request for a rear yard of 16 feet in lieu of 30 feet required and for 49.6% lot coverage in lieu of 35% maximum to allow for improvements to a two family dwelling as submitted and discussed.

Roll call vote: Ayes –Moreland, Corey, Jolley and Loretta.
Nays – Hall.

Motion approved with a 4 to 1 vote.

Case Number: BOA 09-100115

Name of Applicant: Carolyn Prevatte or Theresa Dinuzzo

Property Address: 3238 Merrill Blvd

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for 49% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant, Carolyn Prevatte, 3238 Merrill Blvd, stated that she would like to add a pad of pavers to the side of the driveway so that when exiting a car you will not step into the grassy area.

Mr. Moreland asked the applicant about the pavers that are already to the side of the driveway. Ms. Prevatte explained that she was not familiar with the permitting process and she started laying them without have been granted permission. Once realized, she immediately ceased the project.

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.

Discussion:

A brief discussion ensued about the request of increasing the lot size by 154 square feet not impacting the rest of the neighborhood.

Amended Motion:

It was moved by Mr. Moreland to amend the motion, seconded by Mr. Hall, to approve a request for an increase in lot coverage to be determined by 154 square feet of pavers as submitted and discussed.

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

Case Number: BOA 09-100116

Name of Applicant: Kathryn McGehee

Property Address: 3453 Ocean Drive South

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a southerly side yard of 0 feet in lieu of 10 feet required to allow for a 7 foot by 10 foot water feature addition to a single family dwelling.

Applicant:

The agent for the applicant, Victor Yazbec, 20 South Roscoe, Ponte Vedra beach, stated that the applicant would like to add a water feature to her yard. The water feature will spill into a 7 X10 foot basin.

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.

Discussion:

There was a brief discussion about the water feature not impacting the surrounding neighbors.

Amended Motion:

It was moved by Mr. Moreland to amend the motion, seconded by Mr. Jolley, to approve a request for a southerly side yard of 0 feet in lieu of 10 feet required to allow for a 7 foot by 10 foot water feature addition to a single family dwelling as submitted, discussed and presented.

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

Case Number: BOA 09-100117

Name of Applicant: Jennifer Gruber

Property Address: 1835 Sable Palm Lane

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a corner side yard of 10 feet in lieu of 20 feet required to allow for improvements to a single family dwelling.

Applicant:

The applicant, Jennifer Gruber, 1835 Sable Palm Lane, stated that she would like to add a 2 car garage with a 2nd story bedroom for additional living space to her current home. Ms. Gruber further explained that her home was built in the 1950's with minimum square footage.

Mr. Moreland asked the applicant if she had thought about moving the addition to the rear of the property. Ms. Gruber replied that due to the shape of her lot, if she had moved the addition to the rear of the property it would take away from her backyard.

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.

Discussion:

Mr. Moreland stated that he did not see where the hardship is or is being created. The applicant clearly has enough room in the rear of the property to accommodate the addition.

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

Case Number: BOA 09-100118

Name of Applicant: Chris Lambertson

Property Address: 1114 16th Avenue South

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for corner side yards on lots 6 and 10 of 7.5 feet in lieu of 10 feet required and for 44.43% lot coverage on Lots 6,7,8,9, and 10 in lieu of 35% maximum to allow for a single family dwelling on each lot.

Applicant:

The agent for the applicant, Tim Franklin, 418 Seagate Avenue, Neptune Beach, stated that originally Mr. Lambertson had requested to put duplexes on the lots. After much thought, Mr. Lambertson would now like to put single family homes on the lots. Each home will be one story with an open air lanai in the rear of the home with a two car garage. In the original request the lot coverage was granted to 43 %, with the lot coverage being what it is currently it is very difficult to even put strips of pavers in for the driveway. Therefore the request to increase lot coverage is to allow for wider driveway strips for each of the lots.

Public Hearing:

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

The following people spoke in favor of the application:

John Cowart, 1191 Seabreeze Avenue, Jacksonville Beach.

Thomas McGugen, 1084 10th Avenue South, Jacksonville Beach.

Gary South, 1064 16th Avenue South, Jacksonville Beach submitted a letter in favor.

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

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Amended Motion:

It was moved by Mr. Moreland to amend the motion, seconded by Mr. Hall, to approve a request for corner side yards on lots 6 and 10 of 7.5 feet in lieu of 10 feet required and for 44.43% lot coverage on Lots 6,7,8,9, and 10 in lieu of 35% maximum to allow for a single family dwelling on each lot to be limited to a single story home.

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

Adjournment

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

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Joseph Loretta
Chairman

Date: September 1, 2009