

**Minutes of Board of Adjustment Meeting
Held Wednesday, November 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
Keith Hall
Bobby Jolley
Joseph Loretta (*Chairperson*)
John Moreland (*Vice Chairperson*)
Tom Buck - *Absent*
Scott Chestnut

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.”

“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.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence

OLD BUSINESS:

Case Number: BOA 09-100156

Name of Applicant: Bryan McAlister

Property Address: 621 4th Street North

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for 6 parking spaces in lieu of 7 spaces required; and for no on-site turning and maneuvering space associated with 7 parking spaces, to allow for non-specifically listed commercial use (dog grooming, 1/200).

Applicant, Bryan McAlister, 1103 18th Avenue North, stated that he would like to operate a small dog grooming business and is required to have 7 spaces, however there is room for only 6 parking spaces - one handicapped and 5 regular parking spaces.

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 the applicant apparently took heed of the recommendations from the last meeting and improved the parking problem.

Mr. Hall stated that he wanted to amend the motion to include the “as submitted and presented on the new site plan”.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 6 parking spaces in lieu of 7 spaces required; and for no on-site turning and maneuvering space associated with 7 parking spaces to allow for non-specifically listed commercial use (dog grooming, 1/200), as submitted and presented on newly revised site plan.

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

NEW BUSINESS:

Case Number: BOA 09-100162

Name of Applicant: Laura Bishop

Property Address: 1171 18th Street North

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a rear yard of 21.7 feet in lieu of 30 feet required; and for 40% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant, Laura Bishop, 1171 18th Street North, stated that she would like to have a sunroom added to the rear of her home. Ms. Bishop also stated that the addition would be fully enclosed with windows.

Mr. Moreland asked if the addition would be one or two stories.

Ms. Bishop replied that it would be one story.

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. Loretta stated that the lot coverage may be a little too high, but he is comfortable with the application.

Mr. Moreland stated that he wanted to amend the motion to include “as submitted and presented”.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Corey to approve a request for a rear yard of 21.7 feet in lieu of 30 feet required; and for 40% lot coverage in

lieu of 35% maximum to allow for improvements to a single-family dwelling for a single story 12 X 19 addition.

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

Case Number: BOA 09-100163

Name of Applicant: OCAI (1995) Limited Partnership

Property Address: 107 5th Avenue South (462 1st Street South)

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for 52% lot coverage in lieu of 48% maximum; and for a rear yard of 23 feet in lieu of 35 feet required to allow for a new two-family dwelling.

John Duss, agent for the applicant, stated that this case was before the board in September 2009, at that time the board reduced the concrete driveway request from 9 X17 to 9X15. It was found, reducing the driveway created a difficulty in accommodating the garage size, therefore the request for the rear yard is the two feet that was deducted from the driveway request.

Mr. Loretta remarked that the request was for 80 additional square feet; to which Mr. Duss concurred.

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. Hall asked Mr. Hays what the minimal square footage is for this particular property.

Mr. Hays replied that it is a minimum of 6000 square feet.

Mr. Moreland stated that there is clearly a hardship associated with this property, however he would like to amend the motion for 50% lot coverage.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Hall, to approve a request for 50% lot coverage in lieu of 48% maximum; and for a rear yard of 23 feet in lieu of 35 feet required, to allow for a new two-family dwelling.

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

Minutes of Board of Adjustment
held on Tuesday, November 3, 2009

Adjournment

There being no further business coming before the Board, Mr. Corey adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Joseph Loretta
Chair

Date: January 5, 2010