

**Minutes of Board of Adjustment Meeting
Held Tuesday, April 19, 2011 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 Board Member Loretta.

Roll Call

Josh Corey
Bobby Jolley
Joseph Loretta
John Moreland *Chairman (Absent)*
Tom Buck *Vice Chairman*
Scott Chesnut
Sylvia Osewalt

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.”

The following ex-parte communications were disclosed by the board members.

Mr. Loretta spoke with a neighbor to the south of the applicant for BOA 11-100038.

Mr. Corey spoke with Mary Jo Kilcullen (BOA 11-100037) regarding the variance process.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100035**

Name of Applicant: Ronny and Sherry Paige Kruger

Property Address: 1438 Sunset Drive

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for a rear yard of 25 feet in lieu of 30 feet required, for 44% lot coverage in lieu of 35% maximum, and for a parking area setback of 2 feet in lieu of 5 feet minimum to allow for improvements to a single family dwelling.

Applicant:

The applicants, Ronny and Sherry Paige Kruger, 1438 Sunset Drive, stated that they are requesting these variances so that they may be able to construct a two-car garage in the rear of the property.

Mr. Jolley asked Mr. Kruger if he could use driveway strips instead of solid concrete for the driveway.

Mr. Kruger replied that he would comply with what the board recommended.

Mr. Jolley asked the applicant if the shed that currently exists will be removed.

Mr. Kruger replied yes.

Mr. Corey asked the applicant if the request included the concrete pool decking.

Mr. Kruger replied that the request includes all concrete needed for the driveway, concrete decking as well as a small patio.

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 he was glad that the applicant included all lot coverage requests for all projects, however, he would like to reduce the lot coverage request by 2%.

Amended Motion:

An amended motion was made by Mr. Jolley, seconded by Mr. Corey, to approve a request for a rear yard of 25 feet in lieu of 30 feet required, for 42% lot coverage in lieu of 35% maximum, and for a parking area setback of 2 feet in lieu of 5 feet minimum to allow for improvements to a single family dwelling as shown and submitted.

Roll call vote: Ayes – Corey, Buck, Jolley, Loretta and Chesnut.
Amended motion carried unanimously.

Case Number: BOA 11-100036

Name of Applicant: Larry Attaway

Property Address: 737 12th Avenue South

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley to approve a request for a rear yard of 27.7 feet in lieu of 30 feet required, and for 43% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The agent for the applicant, Glenn Amerson of FGC, Inc., stated that Mr. Attaway would like to construct a two-car garage with two stories adjoining his home.

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 request being a reasonable use of the property.

Roll call vote: Ayes – Corey, Buck, Jolley, Loretta and Chesnut.
Motion carried unanimously.

Case Number: BOA 11-100037

Name of Applicant: Mary Jo Kilcullen

Property Address: 3404 Isabella Blvd.

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 38.6% maximum, to allow for improvements to a single family dwelling.

Applicant:

The applicant, Mary Jo Kilcullen, 3404 Isabella Blvd., Jacksonville Beach, stated she was not aware that the pavers that she was putting down adjusted her maximum lot coverage that she was previously awarded. Ms. Kilcullen further explained that the pavers that she is adding are for a partial patio area.

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 person spoke in favor of the application:

Mike Clements, 3390 Isabella Blvd., Jacksonville Beach.

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

Discussion:

A brief discussion ensued about the applicant's hardship due the substandard lot size.

Roll call vote: Ayes – Corey, Buck, Jolley, Loretta and Chesnut.
Motion carried unanimously.

Case Number: BOA 11-100038

Name of Applicant: Inheritance Investments

Property Address: 2701 Ocean Drive South

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for a front yard of 10 feet in lieu of 25 feet required, for side yards of 5 feet in lieu of 10 feet required, and for 50% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The agent for the applicant, Christine Lee, stated that she and her client would like to remove the current dwelling at the above referenced address and construct a new dwelling with about 3,400 square feet. The current dwelling plus the concrete consists of approximately 98% of lot coverage. The new dwelling plus various paver placements would reduce the lot coverage to 50%.

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 discussion about the current deplorable state of the property and that the proposed improvements will be a benefit to the surrounding neighbors and community.

Roll call vote: Ayes – Corey, Buck, Jolley, Loretta and Chesnut.
Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Joseph Loretta
Chairman

Date: June 7, 2011