

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 16, 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 Chairman Moreland.

Roll Call

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

Purpose and Ex-Parte Statement

Mr. Moreland 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.”

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Mr. Moreland stated he met with Mr. & Mrs. VanDusen and was shown their back yard.

Approval of Minutes

None

Correspondence

There was no correspondence.

OLD BUSINESS:

Case Number: **BOA 11-100117**

Name of Applicant: Barry Dixon

Name of Agent: Bob Esposito
4745 South Sutton Park Court, Suite 402
Jacksonville, FL

Property Address: 3939 Palm Way, Jacksonville Beach, FL

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta to approve a request for 42% lot coverage in lieu of 35% maximum; and for a parking area setback of 1 foot in lieu of 5 feet minimum to a property line to allow for a new single family dwelling.

Agent: Mr. Esposito explained that the lot was non-conforming and do not have the luxury to place the house design on the lot according to the correct zoning. He requested a variance for the 42% lot coverage to and the parking area setback as a means to park off of the street – not intended to be parking.

Discussion: Mr. Moreland asked Mr. Esposito if there were two large pickup trucks parked, would both be able to be on the pavers. Mr. Esposito stated he has measured and it would be tight, but would still function. A short discussion continued regarding the parking options for the property.

Public Hearing:

Mr. Moreland 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. Moreland closed the public hearing.

Discussion: Mr. Loretta stated that this request was a perfect example of needing the variance, and he recommended approving the request as shown and submitted. A short discussion took place.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Corey to approve the 42% lot coverage and 1 foot parking area setback, as shown and submitted to the variance request.

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

Case Number: **BOA 11-100118**

Name of Applicant: Barry Dixon

Name of Agent: Bob Esposito
4745 South Sutton Park Court, Suite 402
Jacksonville, FL

Property Address: 3939 Palm Way, Jacksonville Beach, FL

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta to approve City of Jacksonville Beach Land Development Code Section 34-336(e)(1)e, for 45% lot coverage in lieu of 35% maximum: and 34-373(d), for a parking area setback of 1 foot in lieu of 5 feet minimum to a property line to allow for a new single family dwelling.

Agent: Mr. Esposito stated as previously explained, the lot was non-conforming and asked the board to view the driveway at the rear of the lot as a means to get to the two car off street parking.

Public Hearing:

Mr. Moreland 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. Moreland closed the public hearing.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Corey to approve the 42% lot coverage and 1 foot parking area setback, as shown and submitted to the variance request.

Discussion: None

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

NEW BUSINESS:

Case Number: **BOA 11-100114**

Name of Applicant: Roger and Tracy VanDusen
131 32nd Avenue South, Jacksonville Beach

Property Address: 131 32nd Avenue South, Jacksonville Beach

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta to approve City of Jacksonville Beach Land Development Code Section: 34-336(e)(1)c.3, for a rear

yard of 26 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

Applicant: Mr. VanDusen presented photographs to the board. He explained they have plans for a screen room off the back of the living room. Pavers have replaced the wooden deck

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and the room would be added to the edge of the pool deck to the center of the property in the back yard. Mr. VanDusen gave a detailed description of the screen enclosure plans.

Discussion: None

Public Hearing:

Mr. Moreland 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. Moreland closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Loretta, seconded by Mr. Buck to approve this variance application as shown and submitted.

Roll call vote: Ayes – Moreland, Chesnut, Cory, Buck, Loretta and;
motion carried unanimously.

Mr. Moreland reminded the board members that the next meeting, September 7, 2011, would be on a Wednesday, instead of Tuesday, because of Labor Day.

Adjournment

There being no further business coming before the Board, Mr. Loretta made a motion to adjourned the meeting, seconded by Mr. Chesnut; at 7:25 P.M.

Submitted by: Cathy Martinich
Senior Secretary

Approval:

/s/Joe Loretta
Chairman

Date: November 15, 2011