

**Minutes of Board of Adjustment Meeting
held Tuesday, August 7, 2012 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 Vice Chairman Loretta.

Roll Call

Josh Corey
Bobby Jolley
Joseph Loretta *Vice-Chairman*
John Moreland
Tom Buck *Chairman Absent*
Sylvia Osewalt
Michael Gallimore

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.”

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve the meeting minutes for the June 19, 2012 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 12-100082**

Name of Applicant: Carl Hays

Property Address: 808 8th Street North

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 25.9 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

Applicant:

The applicant, Carl Hays, 1000 Gate Parkway North, Apt. 216, Jacksonville, FL 32246, stated that he and his company purchased his home back in April with intentions of remodeling the home and selling it. The reason for the request is so that an addition can be made to the rear of the home. With the modifications that are planned, there will also be a circular driveway on the easterly side of the home.

Mr. Moreland asked if there are plans to have a carport or garage built on the property.

Mr. Hays replied that he was not aware of a carport or garage being required.

Mr. Moreland stated that a carport or garage is required in RS-2.

Mr. Hays stated that he will have a carport if one is required.

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. Moreland closed the public hearing.

Discussion:

Mr. Loretta spoke briefly about the request being minimal and having a hardship due the placement of the house.

Roll call vote: Ayes –Corey, Jolley, Loretta, and Osewalt
Nays – Moreland
Motion carried with a 4 to 1 vote.

Case Number: BOA 12-100090

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 1201 Ruth Avenue

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant, Tim Millard, 2301 11th Avenue North, stated he would like to install a concrete circular driveway and construct a 10 X 10 shed with a concrete walkway to the house.

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 lot being substandard. However, Mr. Loretta wished to amend the motion, to include the verbiage “as submitted and discussed”.

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Amended Motion:

An amended motion was made by Mr. Jolley, seconded by Mr. Moreland, to approve a request for 44% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling, as submitted and discussed.

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

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman
City Clerk's Office

Approval:

/s/Joe Loretta

Chairperson

Date: September 18, 2012