

**Minutes of Board of Adjustment Meeting  
Held Tuesday, May 20, 2008 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairperson Moreland.

**Roll Call**

Josh Corey  
Keith Hall  
Bobby Jolley  
Joseph Loretta (*Vice Chairperson*) *Absent*  
John Moreland (*Chairperson*)  
Tom Buck *Absent*

**Chairman's Statement & Ex-parte Communications**

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.”

Minutes of Board of Adjustment  
held on Tuesday, May 20, 2008

“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. Jolley, seconded by Mr. Corey, and passed, to approve the minutes for January 15, 2008, February 5, 2008 and March 18, 2008 as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case Number:**        **BOA 08-100046**

**Name of Applicant:** Cleartalk Wireless (Robin Lacroix)

**Property Address:** 325 North 17<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for gravel in lieu of paving to allow for 11 required parking spaces.

The agent for the applicant, Hilton T. Meadows, Principal Diversified Planning, stated that city code requires the building to have additional parking spaces due to the change in use of the property. The parking spaces will be over a gravel bed which will include a geotechnical gravel cloth and 8 inches of gravel blanket. This gravel area will not impact the stormwater runoff and the remainder of the parking lot will remain unchanged.

Mr. Hall asked Mr. Meadows why there is a need for the extra spaces.

Mr. Meadows replied that they are changing the land use regulation to include employees, which requires the additional parking spaces.

Mr. Hall asked how many employees they will have.

Minutes of Board of Adjustment  
held on Tuesday, May 20, 2008

Mr. Meadows responded that they will hire approximately 20 employees that will have rotating shifts.

Mr. Corey asked how many spaces would be paved.

Mr. Meadows replied that there would be 10 paved spaces.

Mr. Jolley asked if Cleartalk will be increasing the amount of employees.

Mr. Meadows advised that Cleartalk would be employing approximately the same amount of people.

Mr. Hall asked if the facility would be open to the public.

Mr. Meadows responded, no, and explained that this location is a technical facility and will not be open to the public.

Mr. Moreland asked if American Tower buried the cables.

Mr. Meadows replied yes.

Mr. Moreland informed Mr. Meadows that if the property owner created a hardship by burrowing the cables, and then the board would not be able to grant a variance.

Mr. Hall asked if the space was ever used for 20 or more employees.

Mr. Meadows replied that it was used for service employees on shift rotation.

**Public Hearing**

Mr. Moreland opened the public hearing and asked if anyone wished to speak for or against the application.

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

Mr. Hayes stated that the Administration for the City does not favor gravel parking and suggested that the applicant use Geo Web, or another alternative that would be less invasive, due to storm water issues at the beach.

Mr. Meadows stated that the systems being proposed by the city would require excavation to a depth equal to a pond. The systems also use rain tanks – not unlike septic tank with drain fields. Attempting to fit this system in the areas where the cables are buried would not mechanically or

Minutes of Board of Adjustment  
held on Tuesday, May 20, 2008

in terms of the depth.

Mr. Hayes explained that the Geo Web is a synthetic fiber that will go on top of sand with plastic webbing and a turf system; there is no infrastructure attached to Geo Web.

Mr. Hall asked Mr. Hayes why the City preferred the Geo Web over gravel.

Mr. Hayes advised that there is a displacement concern.

Mr. Meadows stated that they would be using a #57 crushed concrete, while running a parameter concrete strip as well as a curbing strip along the edge of pavement so that the gravel would not be displaced. These steps will keep the area level so that it is not sloped or slanted.

Mr. Hall commented that he was not in favor of the gravel option; however, the site does have a problem with underground utilities. He asked if there are any assurances that the applicant will be required to cover cost and maintenance of the infrastructure.

**Amended Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley, to approve the request for gravel in lieu of paving to allow for 11 required parking spaces as discussed in the testimony and for the plans submitted as entered into the record.

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

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:25 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland  
Chairman

Date: August 5, 2008