

**Minutes of Board of Adjustment Meeting
Held Wednesday, September 16, 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 *Absent*
Bobby Jolley
Joseph Loretta (*Chairperson*)
John Moreland (*Vice Chairperson*) *Absent*
Tom Buck
Scott Chestnut

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 ex parte communications disclosed by any of the board members.

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 09-100139

Name of Applicant: Dave Sorensen

Property Address: 1527 4th Avenue North

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for an easterly side yard of 6.7 feet and a westerly side yard of 8 feet, in lieu of 10 feet required, and for no accessible garage, in lieu of a one car garage required, to allow for improvements to a single family dwelling.

Applicant:

The applicant, Dave Sorenson, 1527 4th Avenue North, stated that he and his family live in a 1000 square foot house. The reason for the request is due to needing to enlarge the home to accommodate his growing family’s needs. The plan is to have a master suite with a bathroom and enlarging the living/dining room.

Mr. Loretta asked what the existing garage structure is being used for. Mr. Sorenson replied that it is his workshop and it will remain that way.

Mr. Loretta asked how many cars does the circular driveway accommodate. Mr. Sorenson replied that the driveway can accommodate 5 to 6 vehicles.

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 house is extremely small for the family and does not exceed lot coverage. The request was minimal seeing that they had a big enough driveway to accommodate more than enough vehicles.

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

Case Number: BOA 09-100140

Name of Applicant: OCAI (1995)

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 a front yard of 8 feet, in lieu of 20 feet required, for a side yard of 5 feet, and a corner side yard of 3 feet, in lieu of 10 feet required and 11 feet respectively, for a rear yard of 25 feet, in lieu of 30 feet required, and for 48% lot coverage, in lieu of 35% maximum, and to reduce two on-site parking spaces to 9X15, in lieu of 9X17, to allow for a new two family dwelling.

Applicant:

The agent for the applicant, John Duss, 4348 Southpoint Blvd., Jacksonville, FL 3221, stated that he is representing his clients, OCAI Partnership. His clients are requesting the variance to allow for a two family dwelling unit to be constructed. Each of the units will be approximately 1400 square feet. The size of the lot is 4141 square feet, well below the minimum 6000 square feet required. Mr. Duss stated that the reason for the detailed variance request is due to the minimal size of the lot.

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 parking spaces at 9 x15 impeding onto the sidewalk. Mr. Jolley stated that he would feel more comfortable with the request if the building was back more off the front yard than it what is currently requeste.

Amended Motion:

It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a ground floor front yard setback of 17 feet, in lieu of 20 feet required, for a second & third floor front yard of 8 feet, in lieu of 20 feet required (limited only to second & third floors), for a side yard of 5 feet and a corner side yard of 3 feet, in lieu of 10 feet required and 11 feet respectively, for a rear yard of 25 feet, in lieu of 30 feet required, and for 48% lot coverage, in lieu of 35% maximum, to allow for a new two family dwelling.

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

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:35 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland
Chairman

Date: November 17, 2009