

**Minutes of Board of Adjustment Meeting
Held Wednesday, October 7, 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 Vice Chairperson Corey.

Roll Call

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

Mr. Corey 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.”

Mr. Corey stated that Sandy Golding sent an email and a voice mail about BOA 09-100149.

Mr. Chestnut stated that he spoke with Keith Doherty about BOA 09-100149.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Chestnut, to approve the minutes for both August 18, 2009 and September 1, 2009 as presented.

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 09-100143**

Name of Applicant: Melissa Mucha

Property Address: 104 34th Avenue South

Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to approve a request for 47% lot coverage, in lieu of 35% maximum, to allow for improvements to a single family dwelling.

Applicant:

The applicant, Melissa Mucha, 103 34th Avenue South, stated that she has a daughter that she would like to take outside for more play-time. She would like to construct an off-grade wood deck that will not affect any run-off drainage.

Mr. Corey asked about the lot size. Ms. Mucha replied that it is approximately 6776 square feet.

Public Hearing:

Mr. Corey 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. Corey closed the public hearing.

Discussion:

Mr. Jolley stated that the lot is extremely narrow with the rear yard being the smallest. There was minimal discussion about the deck to remain as an open-air deck.

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

Case Number: BOA 09-100146

Name of Applicant: William and Karry Horn

Property Address: 3020 St. Johns Boulevard

Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to approve a request for 50% lot coverage, in lieu of 44% maximum, to allow for a swimming pool addition to a single family dwelling.

The applicant, William Horn, 3020 St. Johns Blvd, stated that he would like to install an in-ground pool with surrounding deck for his family. Mr. Horn explained that his hardship is the substandard size of the lot.

Mr. Corey asked Mr. Horn about the concrete patio and concrete shower pad. Mr. Horn replied that he will be removing them.

Public Hearing:

Mr. Corey 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. Corey closed the public hearing.

Discussion:

Mr. Jolley stated that since this is a pool request, the drainage concerns are obsolete, however, the deck looks a little large, but overall Mr. Horn has presented a good plan.

Mr. Corey stated that the lot is undersized, therefore creating a hardship for the applicant.

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

Case Number: BOA 09-100147

Name of Applicant: Edward Roth

Property Address: 114 28th Avenue South

Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to approve a request for a front yard of 20.4 feet, in lieu of 25 feet required, for a westerly side yard of 6 feet, in lieu of 10 feet required, and for a rear yard of 22.9 feet, in lieu of 30 feet required, to allow for improvements to a single family dwelling.

The applicant, Edward Roth, stated that he currently has a one car garage and would like to convert it to a two car garage. The reason for the conversion is to eliminate flooding that constantly occurs due to the floor being too low. The new garage will be kept within the appearance of the neighborhood and will prevent off-street parking.

Mr. Corey asked Mr. Roth how the flooding issue will be resolved. Mr. Roth replied that the floor will be raised 8 inches to deter flooding.

Public Hearing:

Mr. Corey 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. Corey closed the public hearing.

Discussion:

Mr. Corey stated that the applicant did a very good job of planning and presenting the application. The garage will be a nice addition to the neighborhood.

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

Case Number: BOA 09-100148

Name of Applicant: Ron and Misti Stephens

Property Address: 2818 Madrid Street

Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to approve a request for 45% lot coverage, in lieu of 35% maximum, to allow for a new pool and semi-solid driveway.

The applicant, Ron Stephens, 2737 Alcoa Lane, Jacksonville Beach stated that he lives directly behind the home that he is constructing. Mr. Stephens would like to have a pool for his family.

Mr. Jolley asked Mr. Stephens about the type of driveway he would be installing. Mr. Stephens replied that he would like to have criss-cross pavers. Mr. Stephens stated for the record that there will only be 1 foot of pavers around the pool.

Public Hearing:

Mr. Corey 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. Corey closed the public hearing.

Discussion:

A brief discussion ensued about the application being a very minor request. Mr. Jolley stated that this home will fit nicely with the surrounding community.

Amended Motion: It was moved by Mr. Jolley, seconded by Mr. Chestnu, to approve a request for 45% lot coverage, in lieu of 35% maximum, to allow for a new pool and semi-solid driveway as submitted and presented.

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

Case Number: BOA 09-100149

Name of Applicant: Evan Rajta

Property Address: 131 1st Avenue North

Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to approve a request for no additional parking, in lieu of 18 spaces required, to convert 3,570 square feet of retail commercial space into restaurant space.

Amended Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley to table the application until next meeting due to the applicant not being present.

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

Case Number: BOA 09-100145

Name of Applicant: C. Nandra Talton

Property Address: 803 17th Avenue North

Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to approve a request for a rear yard of 14.65 feet, in lieu of 30 feet required, and for 38% lot coverage, in lieu of 35% maximum, to allow for improvements to a single family dwelling.

Amended Motion: It was moved by Mr. Chestnut, seconded by Mr. Jolley, to table the application until next meeting due to the applicant not being present.

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

Adjournment

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

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland

Chairman

Date: November 17, 2009