

**Minutes of Board of Adjustment Meeting
held Tuesday, January 5, 2010, 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 Loretta.

Roll Call

Josh Corey
Keith Hall
Bobby Jolley
Joseph Loretta
John Moreland
Tom Buck
Scott Chestnut

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

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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 exparte communications disclosed by any of the board members.

Approval of Minutes

It was moved by Mr. Corey, seconded by Mr. Jolley, to approve the minutes of the November 7, 2009 and December 1, 2009, meetings, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 09-100175**

Name of Applicant: Steven and Karen Calta

Property Address: 47 36th Avenue South

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a westerly side yard of 1.5 feet in lieu of 5 feet for an accessory walk/patio and for 38% lot coverage in lieu of 35% maximum for existing improvements to a single-family dwelling.

Applicant:

Applicant, Steven Calta, explained that he has lived in this home since 1999 and has had improvements made to the home. Unbeknownst to him, the contractor failed to get the proper permits for the improvements to the patio before beginning construction. Mr. Calta further stated that he has been unable to reach or find the contractor to hold him accountable.

Mr. Moreland remarked that the lot is substandard.

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Mr. Buck asked the applicant if the pad was already there before construction.

Mr. Calta replied that there was a concrete pad preexisting and the contractor only expanded the pad.

Mr. Corey asked how much of expansion.

Mr. Calta replied 17 square feet.

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 lot being substandard and also that the concrete pad was preexisting and therefore not creating “new development”, only expanding on what was already in place.

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

Case Number: BOA 09-100184

Name of Applicant: Sonia Graves Jeup

Property Address: 1340 Pinewood Road

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 20.3 feet in lieu of 25 feet required, for a westerly side yard of 8.3 feet in lieu of 10 feet required and for 41% lot coverage in lieu of 35% maximum, to allow for a substantial improvement to a single-family dwelling.

Applicant:

Agent for the applicant, Craig Jeup, 1340 Pinewood Road, Jacksonville Beach, advised that his family was about to become a 3-car family and his current 1-car garage would not adequately accommodate his increasing parking needs.

Mr. Loretta referenced the site plan and asked if the screened porch would become a family room.

Mr. Jeup responded in the affirmative.

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 regarding the application not being too extreme, when taking the equivalency to a normal lot size into consideration. Additionally, if the applicant had a standard lot, the request would only be approximately 39%.

Mr. Moreland advised that he would like to amend the motion, to change the request to 40% lot coverage, instead of the 41% requested.

Amended Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 20.3 feet in lieu of 25 feet required; for a westerly side yard of 8.3 feet in lieu of 10 feet required; and for 40% lot coverage in lieu of 35% maximum, to allow for a substantial improvement to a single-family dwelling.

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

Case Number: BOA 09-100186

Name of Applicant: David & Kirsten Foster

Property Address: 660 Upper 8th Avenue South

Motion: It was moved by Mr. Corey, 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:

Applicant, David Foster, 4139 Halsbery Drive, stated that he has owned this house since 1996 and has several issues with keeping it rented. Mr. Foster advised, in his opinion, if he could construct a deck on the 2nd floor it would give his home a more aesthetically pleasing look.

Mr. Loretta asked if there was already a deck on the rear of the home.

Mr. Foster replied that there is a covered porch with two adjacent rooms.

Mr. Jolley asked if the 2nd story deck would be built on top of the existing structure.

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Mr. Foster responded in the affirmative.

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 was held about the lot being substandard in size, therefore creating a hardship for the applicant.

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

Chair and Vice Chair Nominations

Motion: It was moved by Mr. Jolley, seconded by Mr. Loretta, to nominate Mr. Corey as Chair and Mr. Moreland as Vice Chair of the Board of Adjustment, for the ensuing year.

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/John Moreland
Chairperson

Date: February 2, 2010