

**Minutes of Board of Adjustment Meeting  
Held Tuesday, May 4, 2010 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 Josh Corey.

**Roll Call**

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

**Purpose and Ex-Parte Statement**

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.”

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“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**

There were no minuets to approve.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

**Case Number:**        **BOA 10-100051**

**Name of Applicant:**    Gates of Time Square, LLC

**Property Address:**    328 9<sup>th</sup> Avenue North (940 3<sup>rd</sup> Street North)

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 96% lot coverage in lieu of 85% maximum; for 0 feet in lieu of 5 feet parking area setback along south property line for seven parking spaces; and for 12 uninterrupted parking spaces without a landscape area in lieu of 10 spaces maximum along the eastern property line to allow for improvements to a shopping center.

### **Applicant**

Randy McNeal, Agent for the Applicant, 117 Old Ponte Vedra Drive, stated that he has represented the applicant previously on this project. The previous request presented had too many conflicts within the site plan. Mr. McNeal explained that the new site plan, with suggestions from the board at the previous hearing, was being presented tonight.

Mr. McNeal added that he has applied to Public Works department for an easement of the alleyway to utilize it for additional parking, which would comply with the parking requirements.

Mr. Moreland asked Mr. McNeal if all of the parking requirements have been satisfied as stipulated by the Land Development Code; Mr. McNeal replied yes.

Mr. Corey asked Mr. McNeal if there are plans to deepen the retention pond; he responded yes, pending the variances before the Board.

### **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 he is pleased with the project and sees that the applicant revamped and adhered to the suggestions made by the Board previously.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 96% lot coverage in lieu of 85% maximum; for 0 feet in lieu of 5 feet parking area setback along south property line for seven parking spaces; and for 12 uninterrupted parking spaces without a landscape area in lieu of 10 spaces maximum along the eastern property line with one additional tree to be placed in the eastern right-of-way to allow for improvements to a shopping center.

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

**Case Number:**        **BOA 10-100056**

**Name of Applicant:** Lois Maxim

**Property Address:** 1383 Eastwind Drive North

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 12 feet in lieu of 20 feet required to allow for improvements to a single-family dwelling.

### **Applicant**

Applicant, Lois Maxim, 1383 Eastwind Drive North, stated that she lives within a PUD and would like to have an additional 8 feet to be added onto the rear of her residence to create a summer room. Ms. Maxim further stated that she is unaware of any drainage issues in her neighborhood.

Mr. Moreland asked if the existing concrete pad would be used for the summer room; Ms. Maxim responded yes, and that she would like to enclose it.

Mr. Moreland asked the size of the concrete pad; Ms. Maxim replied 8'x13'.

### **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. Hall stated that this property does have an undersized lot, therefore creating a hardship for the applicant. The rest of the Board concurred.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a rear yard of 12 feet in lieu of 20 feet required to allow for improvements to a single dwelling for a one-story Florida room as shown and submitted.

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

**Case Number:** BOA 10-100057

**Name of Applicant:** Gerritt J. Beltman

**Property Address:** 138 Coral Way

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a northerly side yard of 5.2 feet in lieu of 10 feet required; for a rear yard of 26.67 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

### **Applicant**

Applicant, Gerritt Beltman, 138 Coral Way, stated that he would like to expand his home by 10 feet in the rear and 6 feet to the side.

Mr. Moreland asked Mr. Beltman what was the hardship. Mr. Beltman replied that the original structure was placed on the lot inappropriately. By approving the variance, not only would the Board be granting more space but will also be bringing the structure to current code standards.

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**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 applicant clearly has a hardship due to the extreme abnormal shaped lot.

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a northerly side yard of 5.2 feet in lieu of 10 feet required; for a rear yard of 26.67 feet in lieu of 30 feet required to allow for improvements to a single family dwelling, as shown and submitted.

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

**Adjournment**

There being no further business coming before the Board, Mr. Corey adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Josh Corey  
Chairperson

Date: July 6, 2010