

**Minutes of Board of Adjustment Meeting
Held Tuesday, June 1, 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 Corey.

Roll Call

Josh Corey
Keith Hall
Bobby Jolley *Absent*
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.”

“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 a 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 correspondence to be submitted with the case when presented to the Board.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 10-100064

Name of Applicant: George and Mina Adams

Property Address: 4011 Ponte Vedra Blvd.

Motion: It was moved by Mr. Moreland, seconded by Mr. Hall to approve a request for a rear yard of 22 feet in lieu of 30 feet required; and for 50% lot coverage in lieu of 35% maximum to allow for improvements to and to ratify existing conditions on a single family dwelling property.

Applicant:

The agent for the applicant, Terry Simmons, 4110 Ponte Vedra Blvd, stated that the applicants are in the process of transferring from Atlanta to Jacksonville Beach. They purchased this home as a foreclosure and would like to enclose their concrete pad and add a deck on top of that. The owners have been aggressively fixing and repairing the home from the condition that they purchased it. The second story deck will remain an open aired deck with open railings and will never be enclosed as livable area. Mr. Simmons offered to decrease the size of the concrete pad if it will appease any neighbors with opposition.

Mr. Moreland asked the agent for the applicant if there was a variance request in 1996 for the addition that was added.

Mr. Simmons replied that there is not a variance to his knowledge that was applied for or granted.

Mr. Hays clarified that in 1996 when calculating lot coverage, more often than not, driveways and concrete pads were not included in the calculation as they are today.

Mr. Hall asked the agent for the applicant what the hardship is for the applicant.

Mr. Simmons responded that having the upper deck will provide shade to the first level as there is no shade currently.

Public Hearing:

Mr. Corey opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following people spoke in opposition to the application:

Gretchen Alter, 3195 Ponte Vedra Blvd, Jacksonville Beach.

Paul Briggs, 4030 Duval Drive, Jacksonville Beach.

Mr. Corey also entered three letters into the record from neighbors in opposition:

David Dahl, 4112 Duval Drive, Jacksonville Beach.

Marvin Dupree, 4022 Duval Drive, Jacksonville Beach.

George Miquel, 4108 Duval Drive, Jacksonville Beach.

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

Discussion:

Mr. Moreland stated that he could not understand the hardship due to the lot being excessively larger than most in this residential district and did not feel that this should be approved with such opposition from the surrounding neighbors. The Board members concurred with Mr. Moreland.

Roll call vote: Nays –Corey, Hall, Buck, Moreland and Chestnut.
Motion denied unanimously.

Case Number: BOA 10-100065

Name of Applicant: Daniel and Megan Johnson

Property Address: 462 15th Avenue South

Motion: It was moved by Mr. Moreland, seconded by Mr. Hall to approve a request for 43% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

Applicant:

The applicants, Daniel and Megan Johnson, 462 15th Avenue South, stated that they recently purchased their home in Jacksonville Beach and would like to have a swimming pool installed for the enjoyment of their family. Mr. Johnson further explained that he is requesting

approximately 580 additional feet of lot coverage. The amount that is requested of 43% already includes the covered patio concreted area. Mr. Johnson also stated that he has not had any opposition from the neighbors.

Mr. Loretta asked the applicant if the amount of lot coverage should be 41% or 43%.

Mr. Johnson responded that they are only asking for the additional 580 square feet of coverage but believes that the 43% is all inclusive of lot coverage.

Mr. Corey asked the applicant about the alley behind his property.

Mr. Johnson stated that his property backs up to a 12 foot R-O-W alley.

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 lot being larger than most and does not have a hardship associated with the property. Mr. Moreland followed with the comment that the Board is prohibited from granting a variance due to a self imposed hardship.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Hall, to approve a request for 38% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

Roll call vote: Ayes –Corey, Hall, Buck and Chestnut.
Nays – Moreland.
Amended motion carried with a 4 to1 vote.

Adjournment

There being no further business coming before the Board, Mr. Corey adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Josh Corey
Chairman

Date: July 6, 2010