

**Minutes of Board of Adjustment Meeting  
held Tuesday, August 3, 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 Vice-Chairman Loretta.

**Roll Call**

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

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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. Jolley, seconded by Mr. Chestnut to approve July 6, 2010 meeting minutes as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

**Case Number:** BOA 10-100094

**Name of Applicant:** Nancy and Greg Crawford

**Property Address:** 671 Lower 8<sup>th</sup> Avenue South

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for no carport in lieu of a one car garage or carport required; and 34-377, for one on-site parking space in lieu of two (9ft. x 17ft.) parking spaces required to allow for improvements to a single family dwelling.

### **Applicant:**

Greg Crawford, 671 Lower 8<sup>th</sup> Avenue South, stated that he and his wife have retired and would like to supplement their income by conducting music lessons in their garage. Mr. Crawford further explained that his home is in an older neighborhood where most of the homes are quite small. Mr. Crawford submitted, for the record, pictures of various homes in the neighborhood that do not have carports or garages.

Mr. Hall asked if the driveway was able to accommodate two parked cars.

Mr. Crawford replied that there is plenty of room in the driveway for two vehicles.

Mr. Hall asked why the request is only for one parking space in lieu of two parking spaces, if in fact there is room for two vehicles.

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Mr. Hays stated that as per the survey there is technically only room for one parking space, however, theoretically there is room for two.

### **Public Hearing**

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

The following person spoke in favor of the application:

Linda Fisher, 637 Lower 8<sup>th</sup> Avenue South, Jacksonville Beach.

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

### **Discussion**

Mr. Jolley stated that he did not see a problem with approving this application. Mr. Hall stated the same, however he wanted to include “as shown and discussed” language to the motion.

**Amended Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for no carport in lieu of a one car garage or carport required; and 34-377, for two on-site parking spaces of 7.5ft x 17ft in lieu of two 9ft. x 17ft. parking spaces required to allow for improvements to a single family dwelling as shown and discussed.

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

**Case Number:** BOA 10-100098

**Name of Applicant:** Jon and Shera Kosmoski

**Property Address:** 2910 Isabella Boulevard

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a rear yard of 13.7 feet in lieu of 30 feet required; and 34-337(e) (1) e, for 47% lot coverage in lieu of 35% maximum, to allow for improvements to a single family dwelling.

### **Applicant**

Jon Kosmoski, 2910 Isabella Blvd, Jacksonville Beach introduced Mike Hanna who will be constructing the screen porch on the rear of the house.

Mike Hanna, 134 36<sup>th</sup> Avenue South, Jacksonville Beach, stated that the Kosmoski’s home backs up to a retention pond and there are two other retention ponds within an acre to their home. Being so close to the retention ponds causes the Kosmoski’s not to be able to enjoy being outdoors due to the insects that rapidly multiply and enjoy the retention ponds. Therefore the Kosmoski’s are requesting approval to construct a closed screened room on the rear of their home.

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**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 about applicant having a hardship due to lot being undersized as per the Land Development Code.

Mr. Loretta asked Mr. Hanna if the room will be air-conditioned; Mr. Hanna replied no.

**Roll call vote:** Ayes –Hall, Loretta, Jolley and Chestnut; 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  
Senior Secretary

Approval:

Thomas Buck  
Chairman

Date: April 17, 2012