

**Minutes of Board of Adjustment Meeting  
Held Tuesday, December 7 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 Chairman Corey.

**Roll Call**

Josh Corey  
Bobby Jolley  
Joseph Loretta  
John Moreland  
Tom Buck  
Scott Chestnut  
Sylvia Osewalt *Absent*

**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 person or citizen who may have an interest in this decision, which occurred outside of public hearing process.”

The following exparte communications were noted for the record:

Mr. Corey and Mr. Moreland received correspondence from Brenda Shields, who is in opposition to Case# BOA 100-152.

Mr. Chestnut conversed with Mr. Patterson about Case# BOA 100-151.

Mr. Chestnut conversed with Mr. Sonny Gray about Case# BOA 100-152.

### **Approval of Minutes**

There were no minutes to approve.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

**Case Number:** BOA 10-100151

**Name of Applicant:** Seminak Land Investment, LLC.

**Property Address:** 1818 North Oceanfront (174786-0000)

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 25 ft in lieu of 30 ft required, for 87% lot coverage in lieu of 65% maximum, for 10 ft one way driveway drive lanes in lieu of 12 ft required, and for a 2 ft vehicle use area set back in lieu of 5 ft minimum, all to allow for a new multi-family dwelling.

Mr. Hays stated for the record that Mr. Seminak has requested a continuance for his application.

**Amended Motion:** Mr. Moreland amended the motion, seconded by Mr. Jolley, to approve the request to continue the application until the February 1, 2011 meeting.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Moreland and Buck.

Amended motion carried unanimously.

**Case Number:** BOA 10-100152  
**Name of Applicant:** Riddick Lynch  
**Property Address:** 131 North 1<sup>st</sup> Avenue

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 0 parking spaces in lieu of 18 spaces required to allow for a new restaurant/tavern (conversion of 3,750 square feet of space from retail requirement to restaurant requirement).

**Applicant:**

The applicant, Riddick Lynch, 49 Clemson Street, Charleston, South Carolina stated that he would like to purchase this property and establish a family restaurant/tavern. Mr. Riddick proceeded to ask that 3,750 square feet of the property receive a parking variance, the remaining portion of the structure was already granted a parking variance years ago.

Mr. Moreland asked the applicant if he would be adding additional space to the structure. Mr. Lynch replied that he would not be adding any additional square footage to the structure, just asking that the remaining 3,750 be granted a parking variance.

Mr. Loretta asked Mr. Lynch to provide more information about the restaurant. Mr. Lynch stated that the name of the restaurant will be "Poe's Tavern", which is already operating in Charleston, South Carolina. The restaurant will serve gourmet burgers, fish tacos, and pub fare. The hours of operation will be 11:00am - 11:00pm.

Mr. Loretta asked if Mr. Lynch has already obtained a liquor license for the establishment. Mr. Lynch replied no.

**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 favor of the application:

Dennis Dawes, 202 North 2<sup>nd</sup> Street, Jacksonville Beach.  
Ben Porter, 440 North 8<sup>th</sup> Avenue, Jacksonville Beach.

The following person spoke in opposition to the application:

Jim Overby, 21 Burling Way, Jacksonville Beach.

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

**Discussion:**

Mr. Buck stated that this application is a good use for the property. For years it has been vacant and it would be nice to see another restaurant in Jacksonville Beach. As for the parking, there is ample parking around the building. Mr. Corey agreed with Mr. Buck's statement.

**Roll call vote:** Ayes –Corey, Jolley, Loretta and Buck.  
Nays - Moreland  
Motion carried with a 4 to 1 vote.

**Case Number:** BOA 10-100153  
**Name of Applicant:** Bottom Line Ventures, Inc.  
**Property Address:** 4030 Palm Way

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for side yards of 8.5 ft in lieu of 10 ft required, and for 41% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

**Applicant:**

The applicant, Tim Millard, 2301 North 11<sup>th</sup> Avenue, Jacksonville Beach stated that he purchased this lot and would like to build a one-story home with a one car garage. The total square footage of the home will be 1604 square ft. Mr. Millard further explained that in order to construct his home, he will need a variance for both the lot coverage as well as the side yard setbacks.

**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. Loretta stated that clearly there is a hardship associated with this particular lot, however he would like to amend the motion to include "as submitted and discussed".

**Amended Motion:** Mr. Loretta amended the motion, seconded by Mr. Jolley, to approve a request for side yards of 8.5 feet in lieu of 10 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for a new single family Dwelling, as submitted and discussed.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Moreland and Buck.  
Amended motion carried unanimously.

**Case Number:** BOA 10-100154

**Name of Applicant:** Inheritance Investments, LLC

**Property Address:** 2701 Ocean Drive South

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for side yards of 7.6 ft in lieu of 10 ft required, and for 50% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Mr. Hays stated for the record that Ms. Lee has requested a continuance for her application.

**Amended Motion:** Mr. Moreland amended the motion, seconded by Mr. Jolley, to approve the request to continue the application until the February 1, 2011 meeting.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Moreland and Buck.  
Amended motion carried unanimously.

### **Board Nominations**

#### **1<sup>st</sup> Motion**

It was moved by Mr. Jolley, seconded by Mr. Loretta, to nominate Mr. Moreland for Chairman of the Board of Adjustment.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Moreland and Buck.  
Motion carried unanimously.

#### **2<sup>nd</sup> Motion**

It was moved by Mr. Jolley, seconded by Mr. Loretta, to nominate Mr. Buck for Vice-Chairman of the Board of Adjustment.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Moreland and Buck.  
Motion carried unanimously.

### **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: February 2, 2011