

**Minutes of Board of Adjustment Meeting
Held Tuesday, February 1, 2011 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 Moreland.

Roll Call

Tom Buck *Vice Chairman*
Josh Corey
Bobby Jolley
Joseph Loretta
John Moreland *Chairman*
Scott Chesnut
Sylvia Osewalt

Purpose and Ex-Parte Statement

Mr. Moreland 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 communication was noted for the record:

Mr. Chesnut stated he had a conversation with a neighbor about Case # BOA 10-100151.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Loretta, and passed, to approve the minutes for December 7, 2010 as presented.

Correspondence

There was no correspondence.

OLD 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 feet in lieu of 30 feet required, for 87% lot coverage in lieu of 65% maximum, for a 10 foot one way driveway in lieu of 12 feet required, and for a 2 foot vehicle use area setback in lieu of 5 feet minimum, all to allow for a new multi-family dwelling.

Mr. Hays stated, for the record, that Mr. Seminak has withdrawn his application.

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 7.6 foot side yards in lieu of 10 feet 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 withdrawn her application.

NEW BUSINESS:

Case Number: BOA 10-100161

Name of Applicant: George R. Henderson, Jr.

Property Address: 1516 Marsh Inlet Court

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for 38% lot coverage in lieu of 35% maximum, and for a parking area set back of 1 foot in lieu of 5 feet required, to allow for improvements to a single family dwelling.

Applicant:

The applicant, George Henderson, Jr., 1516 Marsh Inlet Court, Jacksonville Beach, stated that his hardship was due to his home being built on a corner lot. He would like to put a concrete driveway from the front of his home to the rear of his home.

Public Hearing:

Mr. Moreland 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. Moreland closed the public hearing.

Discussion:

Mr. Jolley stated that he did not see a problem with the request for lot coverage. Mr. Loretta agreed with Mr. Jolley, however, he stated that he would like to amend the motion to be for lot coverage only.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Corey, to approve a request for 38% lot coverage in lieu of 35% maximum, to allow for improvements to a single family dwelling as submitted and discussed.

Roll call vote: Ayes –Corey, Jolley, Moreland, and Loretta.
Nays – Buck.
Amended motion carried 4 to 1.

Case Number: BOA 10-100165

Name of Applicant: Barry Dixon

Property Address: 2700 St. Johns Blvd.

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for 48% lot coverage in lieu of 35% maximum, to allow for a new single family

dwelling.

Applicant:

The agent for the applicant, Bob Esposito, 4745 Sutton Park, Jacksonville, FL 32244, stated that he is designing the home that will be built on the lot. Mr. Esposito explained to the Board that there were challenges with this parcel, such as the lot being higher in some areas.

Mr. Buck asked Mr. Esposito how much higher the lot was from the road. Mr. Esposito replied that it was 5 feet higher.

Mr. Loretta asked Mr. Esposito if there would be any way that he could reduce his request so that the lot coverage would not be so great. Mr. Esposito replied that he could use grass blocks instead of pavers.

Public Hearing:

Mr. Moreland 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 he would be in favor of the application if the lot coverage was not so much. Mr. Jolley agreed and offered to amend the motion.

Amended Motion: An amended motion was made by Mr. Jolley, seconded by Mr. Buck, to approve a request for 44% lot coverage in lieu of 35% maximum, to allow for a new single family dwelling.

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

Approval:

/s/John Moreland
Chairman

Date: March 1, 2011