

**Minutes of Board of Adjustment Meeting  
Held Tuesday, March 15, 2011 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 Chair Tom Buck.

**Roll Call**

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

**Purpose and Ex-Parte Statement**

Mr. Buck 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.”

There were no ex parte communications by any of the board members.

**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 11-100014**

**Name of Applicant:** John Luck

**Property Address:** 2905 Ocean Drive South

**Motion:** It was moved by Mr. Chesnut, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

**Applicant**

Truett Roberts, agent for applicant, 1608 Main Street Suite D, Dallas TX, explained that Mr. Lock is requesting a variance for lot coverage based on the substandard size lot.

**Public Hearing**

At this time, Mr. Buck opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the application before the board.

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

**Discussion**

Mr. Jolley commented that he did not see a problem with granting the request for increased lot coverage.

**Roll call vote:** Ayes –Jolley, Chesnut, Osewalt, and Buck  
Motion carried unanimously.

**Case Number: BOA 11-100015**

**Name of Applicant:** Eleanor Cuthrell

**Property Address:** 1061 Owen Avenue

**Motion:** It was moved by Mr. Chesnut, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

### **Applicant**

The applicant, Eleanor Cuthrell, 1902 Windjammer Lane, St. Augustine, FL 32092, stated that she purchased her property approximately five years ago with the intention of building her home on the lot. Ms. Cuthrell added that her hardship was a substandard lot size.

### **Public Hearing**

Mr. Buck opened a 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. Buck closed the public hearing.

### **Discussion**

There was a brief discussion about the lot being undersized and therefore creating a hardship for the applicant.

**Roll call vote:** Ayes – Jolley, Chesnut, Osewalt, and Buck  
Motion carried unanimously.

**Case Number:** **BOA 11-100016**

**Name of Applicant:** Arthur Bradley and Dona Tarr

**Property Address:** 112 South 29<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Chesnut, seconded by Mr. Jolley, to approve a request for a front yard of 21.33 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for a westerly side yard of 9.2 feet and easterly side yard of 9.155 feet in lieu of 10 feet required; 34-336(e)(1)c.3, for a rear yard of 24.67 feet in lieu of 30 feet required; and 34-336(e)(1)e, for 45% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

### **Applicant**

Agent for the applicant, Harry Simmons, 1510 South 2<sup>nd</sup> Street, Jacksonville Beach, explained that the applicant would like to build a home on their lot. The lot is very narrow and small which creates a hardship for the applicant. Additionally, the lot is substandard and does not meet the RS-1 requirements.

### **Public Hearing**

Mr. Buck 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. Buck closed the public hearing.

**Discussion**

A brief discussion ensued regarding the applicant's hardship due to the substandard lot size.

**Roll call vote:** Ayes –Jolley, Chesnut, Osewalt, and Buck  
Motion carried unanimously.

**Adjournment**

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

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Thomas Buck  
Chairperson

Date: May 18, 2011