

**Minutes of Board of Adjustment Meeting  
Held Tuesday, April 5, 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 Chairman Moreland.

**Roll Call**

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

**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 ex-parte communications were disclosed by the board members.

Mr. Loretta spoke with John Seminak regarding BOA Case 11-100021.

**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 11-100021**

**Name of Applicant:** John Seminak

**Property Address:** 1818 North Oceanfront

**Motion:**        It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 10 feet in lieu of 20 feet required, for side yards of 5 feet in lieu of 10 feet required, and for a parking area setback of 2.67 feet in lieu of 5 feet minimum along the southern property line to allow for a new multi-family dwelling.

**Applicant:**

The applicant, John Seminak, 13762 Shipwatch, Jacksonville, FL introduced his consultant on the project, Kevin Partel, 1322 Myrtle Street, St. Augustine. Mr. Partel stated that the current structure is an eye-sore to the surrounding neighbors. The structure was built in 1942, it currently has little value and desperately needs to be replaced. The proposed new structure will consist of three floors with two units on each floor; two stories for living space and parking on the ground floor. The current footprint will be reduced with the proposed new structure.

Mr. Moreland asked the applicant if, instead of a four unit dwelling, he could construct a two unit dwelling.

Mr. Partel replied that there is a greater potential for more interest if there are four units.

Mr. Loretta asked if the applicant will be constructing a fence along the property line.

Mr. Partel replied that there is already a 6 ft. high fence along the southerly property line.

**Public Hearing:**

Mr. Moreland 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:

Gary Whitehall, 1809 North First Street, Apt. 201, Jacksonville Beach.

The following people spoke in opposition to the application:

Tim Franklin, 418 Seagate Avenue, Neptune Beach, submitted written comments for the record.

Gregg Modrack, 1809 1<sup>st</sup> Street North #303, Jacksonville Beach

Joel Batton, 1809 1<sup>st</sup> Street North, Jacksonville Beach

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

**Discussion:**

Mr. Moreland stated that the applicant clearly has a hardship due to the lot size.

Mr. Loretta stated that he would like to amend the motion.

**Amended Motion:**

An amended motion was made by Mr. Loretta, seconded by Mr. Chesnut, to approve a request for a front yard of 10 feet in lieu of 20 feet required, for side yards of 5 feet in lieu of 10 feet required, and for a parking area setback of 2.67 feet in lieu of 5 feet minimum along the southern property line to allow for a new multi-family dwelling as shown and submitted with supplemental information and a clearing permit is issued within a 6 month period.

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

Motion carried unanimously.

**Case Number:** BOA 11-100026

**Name of Applicant:** Annie Mae Edwards

**Property Address:** 916 3<sup>rd</sup> Avenue South

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for combination side yards of 10 feet in lieu of 15 feet required and for 41% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

**Applicant:**

The agent for the applicant, Pat Mulligan, stated that the house burned down before Christmas and that this family has been displaced since then.

**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:**

There was a brief discussion about the request being a reasonable request and the hardship is the lot size.

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

**Case Number:** BOA 11-100030

**Name of Applicant:** Jeffrey Fields

**Property Address:** 1204 10<sup>th</sup> Street North

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a vehicle use area of 1 foot to northwest property line in lieu of 5 feet required.

**Applicant:**

The applicant, Jeffrey Fields, stated that he purchased his home in 2008. Due to previous owners increasing the home size by building room additions, there is not enough space on the side of the home to accommodate a driveway and be in compliance with the LDC. The driveway will consist of two thin strips of concrete.

**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:**

A brief discussion ensued about the request being minimal and having little effect on the surrounding neighbors.

**Adjournment**

Before adjourning the meeting, Mr. Moreland stated that he would not be able to attend the next meeting on April 19, 2011, since it will be Passover.

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland  
Chairman

Date: May 18, 2011