

**Minutes of Board of Adjustment Meeting
held Wednesday, June 21, 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

Josh Corey *Absent*
Bobby Jolley *Absent*
Joseph Loretta
John Moreland *Chairman*
Tom Buck *Vice Chairman*
Scott Chesnut *Alternate 1*
Sylvia Osewalt *Alternate 2*

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.”

Minutes of Board of Adjustment Meeting
held June 21, 2011

Scott Chesnut stated he had a brief conversation with Mr. William D. Fogleman in Council Chambers just prior to the meeting.

Approval of Minutes

Approval of the May 18, 2011 minutes will be postponed until the July 6, 2011 meeting.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number:BOA 11-10054

Name of Applicant: Luciano Scremin

Property Address: 1007 Seabreeze Avenue, Jacksonville Beach, Fl 32250

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta to approve a request for a corner side yard of 7.12 feet in lieu of 10ft required to allow for improvements to a single-family dwelling.

Applicant:

Applicant, Luciano Scremin, requested a slightly elevated porch to stand on at the front door.

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:

Ms. Osewalt asked if this increases the lot coverage, did the previous owner have a variance to expand the home, and is the variance still connected to this property. Mr. Scremin explained that they did and never built the addition. He stated while this plan does increase the lot coverage, it does not exceed the 35% limit. Mr. Moreland asked Mr. Scremin if he were planning to expand the home in the future; he stated he was, but would not exceed the 35% lot coverage limit.

Mr. Loretta made an amendment to the request; seconded by Mr. Chesnut that the homeowner allow for improvements to the single family dwelling as shown and submitted.

Minutes of Board of Adjustment Meeting
held June 21, 2011

Roll call vote: Ayes – Buck, Loretta, Chesnut, Osewalt, and Moreland; motion carried unanimously, as amended.

Case Number:BOA 11-10057

Name of Applicant: William D. Fogleman, 70 Harmony Hall Road, Middleburg, FL 32068

Property Address: 1622 1st Street South, Jacksonville Beach, FL 32250

Motion: It was moved by Mr. Buck, seconded by Mr. Chesnut to approve a request to add a second story desk with roof over the existing front patio and the front yard of 15 ft in lieu of 20 ft required to allow for improvements to a single-family dwelling.

Applicant:

Applicant, William D. Fogleman, requested to add a front porch to the house to be able to view the ocean. They would add the second story porch to the existing concrete patio, which would give a 15 ft yard instead of 20ft.

Discussion:

Discussion ensued regarding the property, its location, porch, and existing concrete patio.

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. Chesnut stated the renovation would be a great improvement to the south end area. Mr. Loretta recommended the request be approved as this is a greatly substandard lot of 4200sq ft. and moved to approve with adding “for improvements to a single family dwelling as shown and submitted”, seconded by Ms. Osewalt.

Roll call vote: Ayes – Buck, Loretta, Chesnut, Osewalt, and Moreland; motion carried unanimously, as amended.

Mr. Moreland reminded the board members that the next meeting was to be on Wednesday, instead of Tuesday. Mr. Moreland stated the last four cases on this agenda have been requested by applicants to be moved to the first meeting in July.

Minutes of Board of Adjustment Meeting
held June 21, 2011

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:35 P.M.

Submitted by: Cathy Martinich
Recording Secretary

Approval:

/s/John Moreland

Chairman

Date: November 15, 2011