

**Minutes of Board of Adjustment Meeting
Held Tuesday, July 19, 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
Bobby Jolley
Joseph Loretta *Absent*
John Moreland *Chairman*
Tom Buck *Vice Chairman Absent*
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.”

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“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 statements disclosed by the board members.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Chesnut, to approve the minutes for both the June 7, 2011 and July 6, 2011 meetings as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

Case Number: BOA 11-10053
Name of Applicant: Matt and Nancy Lany
Property Address: 2546 Horn Street

This application was been withdrawn at the request of the applicant.

NEW BUSINESS:

Case Number: BOA 11-100107
Name of Applicant: David J. Rini
Property Address: 908 Penman Road

Motion: It was moved by Mr. Chesnut, seconded by Mr. Jolley, to approve a request for a southerly yard of 0 feet in lieu of 5 feet required and combination side yards of 7.8 feet total in lieu of 15 feet required; and for 39% lot coverage in lieu of 35% maximum to allow improvement to a single family dwelling.

Applicant

Applicant, David J. Rini, 908 Penman Road, stated that he would like to construct an attached garage on the southerly side of his home. Mr. Rini stated that his garage that he currently has is too small and not deep enough for his automobiles. The southerly side of the yard is adjacent to a 25 foot city owned easement.

Mr. Jolley asked the applicant if the garage could be constructed in the rear of the property.

Mr. Rini replied that the rear yard is not deep enough.

Mr. Moreland asked the applicant if he will also be constructing a sunroom.

Mr. Rini stated that the sunroom already exists.

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 this lot is substandard in size and did not see this request being a hindrance on the surrounding community. Mr. Corey concurred with Mr. Jolley, however, he did want to amend the motion to include "as shown and submitted".

Amended Motion: An amended motion was made by Mr. Corey, seconded by Mr. Jolley, to approve a request for a southerly yard of 0 feet in lieu of 5 feet required and combination side yards of 7.8 feet total in lieu of 15 feet required; and for 39% lot coverage in lieu of 35% maximum to allow improvement to a single family dwelling as shown and submitted.

Roll Call Vote: Ayes –Jolley, Moreland, Chesnut and Corey
Nays – Osewalt
Amended motion carried 4 to1.

Case Number: BOA 11-100109

Name of Applicant: Lester Bickerstaff

Property Address: 2705 Liberty Lane

Motion: It was moved by Mr. Chesnut, seconded by Mr. Jolley, to approve a request for 45.5% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant

Applicant, Lester Bickerstaff, 2705 Liberty Lane, stated that he would like to construct a deck in the rear of his home. The deck will be approximately 400 square feet.

Mr. Corey asked Mr. Hays, Building Official, about the square footage of the lot size.

Mr. Hays replied that the lot size is 6,375 square feet.

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Mr. Corey asked the applicant if the deck will be wooden.

Mr. Bickerstaff replied that it will be brick 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. Moreland closed the public hearing.

Discussion

A brief discussion ensued about the substandard lot size, therefore creating a hardship for the applicant. Mr. Chesnut wished to amend the motion to include "as shown and submitted".

Amended Motion: An amended motion was made by Mr. Chesnut, seconded by Mr. Jolley, to approve a request for 45.5% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling as shown and submitted.

Roll call vote: Ayes –Jolley, Moreland, Corey, Chesnut, and Osewalt
Amended motion carried unanimously.

Adjournment

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

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/John Moreland

Chairman

Date: August 2, 2011