

**Minutes of Board of Adjustment Meeting
Held Tuesday, September 7, 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*
Scott Chestnut
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.”

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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 exparte communications disclosed by 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 11-100126**
Name of Applicant: Jarrett Franklin
Property Address: 4 Tallwood Road

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for a front yard of 16 feet in lieu of 25 feet required to allow for improvements to a single-family dwelling.

Applicant:

Applicant, Jarrett Franklin, 4 Tallwood Road, Jacksonville Beach, stated that he and his wife are expecting a child and needs to expand his home to accommodate his family. Mr. Franklin also stated that the lot is oddly shaped. The expansion would consist of extending his garage more in the front yard, by doing that he could use the current garage space for living.

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:

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There was a minor discussion about the garage extension not being a hindrance on the surrounding neighbors, however Mr. Corey wanted to amend the motion to include “as discussed and submitted as well as limiting the expansion to only the garage”.

Amended Motion: It was moved by Mr. Corey, seconded by Mr. Buck, to approve a request for a front yard of 16 feet in lieu of 25 feet required to allow for improvements to a single family dwelling as discussed and submitted and limiting the expansion to the garage only.

Roll call vote: Ayes –Buck, Jolley, Moreland, Jolley and Chestnut; motion carried unanimously.

Case Number: BOA 11-100129

Name of Applicant: Helen Roth

Property Address: 480 7th Avenue South

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for a southerly side yard of 0 feet in lieu of 5 feet required and combination side yards of 13.4 feet in lieu of 15 feet required, and for a rear yard of 0 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

Applicant:

Applicant, Helen Roth, 480 7th Avenue South, Jacksonville Beach, stated that her home was built in 1946 and there is little to no storage on the property. She is having a problem with several items being stolen from her yard due the little storage area that she has. Without realizing the permitting process with the City of Jacksonville Beach, she extended her deck on the east side of her home to house all of her outside yard equipment and miscellaneous items.

Mr. Buck asked about the size of the lot. Ms. Roth replied that it is 100 X 55.

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 lot being substandard for the area and clearly the applicant has a hardship due the lot size.

Roll call vote: Ayes –Buck, Jolley, Moreland, Jolley and Chestnut; motion carried unanimously.

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Case Number: BOA 11-100130
Name of Applicant: Chris Lambertson
Property Address: 1190 16th Avenue south

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for 42% lot coverage in lieu of 35% maximum to allow for a new two story single family dwelling.

Applicant:

Applicant, Chris Lambertson, 357 12th Street South, Atlantic Beach, stated that he previously had requested that a one-story home be built on this lot. Upon further review, a one-story home cannot be built due to the Bellsouth easement.

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.

Roll call vote: Ayes –Buck, Jolley, Moreland, Jolley and Chestnut; 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: October 18, 2011