

**Minutes of Board of Adjustment Meeting
held Tuesday, October 18, 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
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.”

“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 disclosed by the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Buck, to approve the meeting minutes for September 7, 2011 as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 11-100145

Name of Applicant: Monica Bernhardt

Property Address: 623 2nd Avenue North

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for a front yard of 17 feet in lieu of 20 feet required to allow for a new single family dwelling.

Applicant:

The applicant, Monica Bernhardt, 623 2nd Avenue North, Jacksonville Beach, stated she purchased this home approximately 6 years ago and has not completed any home improvement projects thus far. However, she would like to construct a front porch onto her home. There is currently no covering for her when she leaves and returns home.

Ms. Osewalt asked if the lot is conforming. Mr. Loretta replied that it is substandard in size.

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 and, therefore, creating a hardship for the applicant. Mr. Loretta stated that he wanted to add the language “as shown and submitted” to 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 17 feet in lieu of 20 feet required to allow for a new single family dwelling as shown and submitted.

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

Case Number: BOA 11-100146

Name of Applicant: John Borderlon

Property Address: 2607 Ocean Drive South

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for a front yard of 21 feet in lieu of 25 feet required, for a southerly side yard of 1.58 feet and a northerly side yard of 1.58 feet in lieu of 10 feet required, and for 60% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The agent for the applicant, Terry Simmons, 1510 South 2nd Street, Jacksonville Beach stated that this lot is narrow and substandard. The homeowner will be reducing the lot coverage that currently exists at 78% to 60% by removing concrete. There will not be any expansion of the home; there will only be an installation of an open spiral stairwell outside to provide access to the existing roof deck.

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 discussion about how well the property is being used, considering the existing conditions. The Board praised Mr. Borderlon for not increasing the lot coverage. However, Mr. Loretta stated that he wanted to add the language “as shown and submitted” to the motion.

Amended Motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Chesnut, to approve a front yard of 21 feet in lieu of 25 feet required, for a southerly side yard of 1.58 feet and a northerly side yard of 1.58 feet in lieu of 10 feet required, and for 60% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling as shown and submitted.

Roll call vote: Ayes – Buck, Loretta, Moreland, Chesnut, Osewalt
Amended motion carried unanimously.

Case Number: BOA 11-100147

Name of Applicant: George and Mina Adams

Property Address: 4011 Ponte Vedra Boulevard

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for an accessory structure 1.33 feet from a principle structure in lieu of 5 feet minimum to allow for improvements to a single family dwelling.

Applicant:

The agent for the applicant, Terry Simmons, 1510 South 2nd Street, Jacksonville Beach, stated that the applicant is not having a shed or storage facility placed on the property. The request will be for an open-air trellis; that is defined as an accessory structure within the LDC.

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.

Amended Motion:

An amended motion was made by Mr. Buck, seconded by Mr. Loretta, to approve a request for an accessory structure 1.33 feet from a principle structure in lieu of 5 feet minimum to allow for improvements to a single family dwelling as shown and submitted.

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

Case Number: BOA 11-100148

Name of Applicant: John Rowan

Property Address: 3940 Poincianna Boulevard

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

Applicant:

The applicant, John Rowan, 1639 Beach Blvd., Jacksonville Beach, stated that the lot is non-conforming. The total square footage is 6,650 square feet and has created a hardship. Mr. Rowan further explained that he is attempting to construct a 1,600 square foot two-story home with a swimming pool.

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 opposition:

Neil Barber, 3916 Poinciana Blvd, Jacksonville Beach.

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

Discussion:

A brief discussion ensued about the substandard lot size creating a hardship for the applicant.

Amended Motion:

An amended motion was made by Mr. Buck, seconded by Mr. Loretta, to approve a request for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling as shown and submitted.

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland
Chairman

Date: November 15, 2011